

Title 12: CONSERVATION

Chapter 915: HUNTING: SEASONS, REQUIREMENTS AND RESTRICTIONS **HEADING: PL 2003, c. 414, Pt. A, §2 (new); Pt. D, §7 (aff); c. 614, §9 (aff)**

Table of Contents

Part 13. INLAND FISHERIES AND WILDLIFE

Subpart 4. FISH AND WILDLIFE

| | |
|--|----|
| Subchapter 1. GENERAL HUNTING SEASON PROVISIONS | 7 |
| Section 10951. CLOSED SEASON..... | 7 |
| Section 10952. OPEN SEASONS FOR HUNTING WITH BOW AND ARROW AND CROSSBOW..... | 7 |
| Section 10953. OPEN SEASONS FOR HUNTING WITH CROSSBOW..... | 7 |
| Subchapter 2. HUNTING LICENSE REQUIREMENTS AND FEES | 8 |
| Section 11101. APPLICATION AND ISSUANCE..... | 8 |
| Section 11102. AGE LIMITATION FOR OBTAINING HUNTING LICENSE..... | 9 |
| Section 11103. CONVICTED FELON..... | 9 |
| Section 11104. MENTAL DEFICIENCY OR ILLNESS; ELIGIBILITY..... | 9 |
| Section 11105. SAFETY COURSE..... | 9 |
| Section 11106. ELIGIBILITY FOR ARCHERY HUNTING LICENSE..... | 10 |
| Section 11106-A. ELIGIBILITY FOR CROSSBOW HUNTING LICENSE..... | 11 |
| Section 11107. ELIGIBILITY FOR HUNTING WITH MUZZLE-LOADER..... | 12 |
| Section 11108. HUNTING WITHOUT LICENSE..... | 12 |
| Section 11108-A. JUNIOR HUNTING LICENSE RESTRICTIONS (REPEALED)..... | 13 |
| Section 11108-B. APPRENTICE HUNTER LICENSE RESTRICTIONS..... | 13 |
| Section 11108-C. ELIGIBILITY AND RESTRICTIONS FOR A JUNIOR HUNTING LICENSE..... | 14 |
| Section 11109. LICENSES AND FEES..... | 16 |
| Section 11109-A. SUPER PACK LICENSE..... | 18 |
| Section 11110. TRANSFER OF HUNTING AREAS OR ZONES..... | 20 |
| Section 11111. TRACKING WOUNDED ANIMALS WITH LEASHED DOGS; FEE FOR SERVICES..... | 20 |
| Subchapter 3. HUNTING PERMIT REQUIREMENTS AND FEES | 20 |
| Section 11151. BEAR HUNTING PERMIT..... | 20 |
| Section 11151-A. NONRESIDENT LATE SEASON BEAR HUNTING PERMIT..... | 21 |
| Section 11152. ANTLERLESS DEER; REGULATION AND AUTHORITY TO ISSUE PERMITS..... | 21 |
| Section 11153. SPECIAL SEASON DEER PERMITS; FEES..... | 23 |
| Section 11154. MOOSE PERMIT..... | 24 |
| Section 11155. WILD TURKEY HUNTING PERMITS..... | 28 |
| Section 11156. PHEASANT HUNTING PERMIT..... | 29 |
| Section 11157. MIGRATORY WATERFOWL PERMIT..... | 30 |
| Section 11158. MIGRATORY GAME BIRD CERTIFICATION..... | 31 |
| Section 11159. FALCONRY HUNTING PERMIT..... | 31 |
| Section 11160. COYOTE NIGHT HUNTING PERMIT..... | 32 |

| | |
|--|----|
| Subchapter 4. GENERAL UNLAWFUL ACTS PERTAINING TO HUNTING | 33 |
| Section 11201. HUNTING DURING CLOSED SEASON..... | 33 |
| Section 11202. UNITY UTILITIES DISTRICT; CLOSED SEASON..... | 34 |
| Section 11203. HUNTER ORANGE CLOTHING..... | 34 |
| Section 11204. CRIMINAL TRESPASS..... | 35 |
| Section 11205. HUNTING ON SUNDAY..... | 35 |
| Section 11206. NIGHT HUNTING..... | 35 |
| Section 11207. TWILIGHT HUNTING (REPEALED)..... | 36 |
| Section 11208. UNLAWFUL SHOOTING OR DISCHARGE OF FIREARM, BOW AND ARROW OR CROSSBOW..... | 36 |
| Section 11209. DISCHARGE OF FIREARM OR CROSSBOW NEAR DWELLING OR BUILDING..... | 37 |
| Section 11210. SHOOTING DOMESTIC ANIMALS..... | 37 |
| Section 11211. UNLAWFUL USE OF FIREARM IN SOUTHPORT..... | 38 |
| Section 11212. MOTOR VEHICLES AND MOTORBOATS..... | 38 |
| Section 11213. SHOOTING AT OR NEAR WILDFOWL DECOYS (REPEALED)..... | 39 |
| Section 11213-A. SHOOTING AT OR NEAR DECOYS..... | 39 |
| Section 11214. UNLAWFUL USE OR POSSESSION OF IMPLEMENTS OR AIDS..... | 39 |
| Section 11215. USE OF MOTORIZED VEHICLE TO KILL, INJURE OR MOLEST WILD ANIMALS OR WILD BIRDS..... | 41 |
| Section 11216. HUNTING WITH AID OF AIRCRAFT..... | 42 |
| Section 11217. BUYING AND SELLING WILD ANIMALS AND WILD BIRDS..... | 42 |
| Section 11218. GAME FEES..... | 44 |
| Section 11219. HUNTING ON STATE GAME FARM..... | 44 |
| Section 11220. HUNTING IN LICENSED WILDLIFE EXHIBIT..... | 45 |
| Section 11221. DISPOSAL OF OFFAL; LITTERING..... | 45 |
| Section 11222. TARGET IDENTIFICATION WHILE HUNTING..... | 46 |
| Section 11223. AID TO INJURED PERSON AND REPORTING HUNTING ACCIDENT..... | 46 |
| Section 11224. WASTE OF GAME..... | 47 |
| Section 11225. RETRIEVAL OF WOUNDED OR KILLED BIG GAME AFTER HOURS..... | 47 |
| Section 11226. ALIEN BIG GAME HUNTER; GUIDE REQUIRED (REALLOCATED FROM TITLE 12, SECTION 11224) (REPEALED)..... | 47 |
| Section 11226-A. CANADIAN BIG GAME HUNTER; GUIDE REQUIRED (REPEALED)..... | 48 |
| Section 11227. PLACEMENT OF BAIT FOR HUNTING..... | 48 |
| Section 11228. HUNTING WITH DOGS..... | 49 |
| Subchapter 5. BEAR HUNTING | 50 |
| Article 1. BEAR SEASONS | 50 |
| Section 11251. OPEN AND CLOSED SEASONS..... | 50 |
| Article 2. HUNTING METHODS SPECIFIC TO BEAR | 50 |
| Section 11301. PLACING OF BEAR BAIT..... | 50 |
| Section 11302. HUNTING BEAR WITH DOGS..... | 51 |
| Section 11303. HUNTING BEAR NEAR DUMPS..... | 52 |
| Section 11304. PERMISSION TO HARVEST ANOTHER PERSON'S BEAR..... | 53 |

| | |
|---|----|
| Article 3. POSSESSION OF BEAR | 53 |
| Section 11351. BEAR BAG LIMIT..... | 53 |
| Section 11352. BEAR TAGS AND TAGGING BEAR..... | 53 |
| Section 11353. LEAVING HARVESTED BEAR (REPEALED)..... | 54 |
| Section 11354. POSSESSING GIFT BEAR..... | 54 |
| Subchapter 6. DEER HUNTING | 54 |
| Article 1. DEER SEASONS | 55 |
| Section 11401. OPEN AND CLOSED SEASONS FOR DEER..... | 55 |
| Section 11402. SPECIAL REGULATIONS..... | 55 |
| Section 11403. REGULAR ARCHERY-ONLY DEER HUNTING SEASON..... | 56 |
| Section 11404. MUZZLE-LOADING-ONLY DEER HUNTING SEASON..... | 57 |
| Article 2. HUNTING METHODS SPECIFIC TO DEER | 58 |
| Section 11451. HUNTING DEER WITH UNCONVENTIONAL WEAPON; LICENSE (REPEALED)..... | 58 |
| Section 11452. BAITING DEER..... | 58 |
| Section 11453. DRIVING DEER..... | 59 |
| Section 11454. HUNTING DEER WITH .22 CALIBER RIMFIRE CARTRIDGE..... | 59 |
| Article 3. POSSESSION OF DEER | 60 |
| Section 11501. BAG LIMIT..... | 60 |
| Section 11502. DEER TAGS AND TAGGING..... | 60 |
| Section 11503. GIFT DEER..... | 61 |
| Subchapter 7. MOOSE HUNTING | 61 |
| Article 1. COMMISSIONER'S AUTHORITY TO REGULATE MOOSE HUNTING AND TO SET HUNTING SEASONS AND AREAS | 61 |
| Section 11551. COMMISSIONER AUTHORITY REGARDING MOOSE..... | 61 |
| Section 11552. MOOSE HUNTING AREAS..... | 62 |
| Article 2. HUNTING METHODS SPECIFIC TO MOOSE | 62 |
| Section 11601. UNLAWFUL HUNTING OF MOOSE..... | 62 |
| Section 11602. DRIVING MOOSE..... | 63 |
| Section 11603. UNLAWFUL FIREARMS FOR HUNTING MOOSE..... | 63 |
| Section 11604. UNLAWFUL HUNTING METHODS (REPEALED)..... | 63 |
| Section 11605. BAITING MOOSE..... | 64 |
| Article 3. POSSESSION OF MOOSE | 64 |
| Section 11651. UNLAWFUL POSSESSION OF MOOSE (REPEALED)..... | 64 |
| Section 11651-A. HUNTING MOOSE AFTER HAVING KILLED ONE..... | 64 |
| Section 11652. BAG LIMITS..... | 65 |
| Section 11653. TAGGING MOOSE..... | 65 |
| Section 11654. UNLAWFUL POSSESSION OF GIFT MOOSE..... | 66 |
| Subchapter 8. WILD TURKEY HUNTING | 66 |
| Article 1. COMMISSIONER'S AUTHORITY TO REGULATE THE HUNTING OF WILD TURKEY; HUNTING LAWS | 66 |
| Section 11701. AUTHORITY OF COMMISSIONER; WILD TURKEY HUNTING..... | 66 |
| Section 11702. WILD TURKEY HUNTING HOURS (REPEALED)..... | 67 |
| Article 2. POSSESSION OF WILD TURKEYS | 67 |
| Section 11751. UNLAWFUL POSSESSION OF WILD TURKEY (REPEALED)..... | 67 |

| | |
|--|----|
| Section 11751-A. UNLAWFUL POSSESSION OF WILD TURKEYS..... | 68 |
| Section 11752. TAGGING WILD TURKEY..... | 68 |
| Section 11753. GIFT WILD TURKEY..... | 69 |
| Article 3. HUNTING METHODS SPECIFIC TO WILD TURKEYS | 69 |
| Section 11801. PROHIBITED HUNTING METHODS..... | 69 |
| Subchapter 9. GAME BIRD HUNTING | 70 |
| Section 11851. HUNTING WILD BIRDS..... | 70 |
| Section 11852. REOPENING SEASON (REPEALED)..... | 70 |
| Section 11853. CLOSED SEASON; HALEY POND..... | 70 |
| Section 11854. NEST OR EGGS OF WILD BIRDS..... | 71 |
| Section 11855. UNLAWFUL USE OF MIGRATORY GAME BIRDS..... | 71 |
| Section 11856. PHEASANTS..... | 72 |
| Section 11857. UNLAWFUL POSSESSION OF RUFFED GROUSE..... | 72 |
| Subchapter 10. RACCOON HUNTING | 72 |
| Section 11901. RACCOONS..... | 72 |
| Subchapter 11. HARE AND RABBIT HUNTING | 73 |
| Section 11951. HUNTING HARES AND RABBITS WITH DOGS..... | 73 |
| Section 11952. UNLAWFUL HARVEST OF WILD RABBITS OR HARES..... | 73 |
| Section 11953. UNLAWFUL POSSESSION OF WILD HARES OR WILD RABBITS..... | 73 |
| Subchapter 12. COYOTE HUNTING | 74 |
| Section 12001. NIGHT SEASON AND RESTRICTIONS..... | 74 |
| Subchapter 13. HUNTING DOG TRAINING AND FIELD TRAINING | 74 |
| Section 12051. TRAINING..... | 75 |
| Section 12052. SPECIAL DOG TRAINING AREA LICENSE..... | 76 |
| Section 12053. UNLAWFUL USE OF LICENSED DOG TRAINING AREA..... | 78 |
| Section 12054. FIELD TRIALS; RACCOON AND RABBITS..... | 79 |
| Section 12055. LICENSE TO HOLD FIELD TRIALS; WILD BIRDS..... | 79 |
| Subchapter 14. COMMERCIAL SHOOTING AREAS | 80 |
| Section 12101. LICENSE TO OPERATE COMMERCIAL SHOOTING AREA..... | 80 |
| Section 12102. IMPORTATION PERMIT FOR MALLARD DUCKS, QUAIL, CHUKAR PARTRIDGE AND HUNGARIAN PARTRIDGE..... | 82 |
| Section 12103. REMOTE-CONTROL HUNTING..... | 83 |
| Subchapter 15. WILDLIFE IMPORTATION AND POSSESSION PERMITS AND REQUIREMENTS | 83 |
| Section 12151. KEEPING WILDLIFE IN CAPTIVITY..... | 83 |
| Section 12152. PERMIT TO POSSESS WILDLIFE IN CAPTIVITY..... | 84 |
| Section 12153. VIOLATION OF RULES REGARDING WILD ANIMALS IN CAPTIVITY..... | 85 |
| Section 12154. DEPARTMENT BREEDING OR REARING WILD BIRDS..... | 85 |
| Section 12155. IMPORTATION PERMIT FOR WILDLIFE..... | 85 |
| Section 12156. RELEASE OF WILD BIRDS AND WILD ANIMALS INTO WILD..... | 86 |
| Section 12157. PERMIT TO TRANSPORT WILDLIFE FOR BREEDING AND ADVERTISING..... | 87 |
| Section 12158. IMPORTATION PERMIT FOR PHEASANTS..... | 87 |
| Section 12159. TAKING REPTILES AND AMPHIBIANS FROM THE WILD..... | 88 |
| Section 12160. DISPOSITION OF WOLF HYBRIDS..... | 89 |

| | |
|--|----|
| Section 12161. TAKING OF CERTAIN NONMARINE INVERTEBRATES FROM THE WILD FOR COMMERCIAL PURPOSES..... | 89 |
|--|----|

Maine Revised Statutes

Title 12: CONSERVATION

Chapter 915: HUNTING: SEASONS, REQUIREMENTS AND RESTRICTIONS HEADING: PL 2003, c. 414, Pt. A, §2 (new); Pt. D, §7 (aff); c. 614, §9 (aff)

Subchapter 1: GENERAL HUNTING SEASON PROVISIONS HEADING:
PL 2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§10951. CLOSED SEASON

1. General; prohibition. Except as otherwise provided in this Part and except as the commissioner may establish by rule not inconsistent with this Part, there is a perpetually closed season on hunting any wild animal or wild bird.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF).

§10952. OPEN SEASONS FOR HUNTING WITH BOW AND ARROW AND CROSSBOW

1. Hunting with a bow and arrow or a crossbow. A person may, except as otherwise provided in this Part, hunt any wild bird or wild animal with a hand-held bow and arrow or a crossbow during any open season on that bird or animal.

[2013, c. 236, §1 (AMD) .]

2. Hunting with a crossbow; 70 years of age or older.

[2013, c. 236, §2 (RP) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2011, c. 61, §1 (RPR). 2013, c. 236, §§1, 2 (AMD).

§10953. OPEN SEASONS FOR HUNTING WITH CROSSBOW

(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)

1. Species and seasons. A person may:

A. Hunt bear with a crossbow during the open season on bear as provided in section 11251; [2013, c. 236, §3 (NEW) .]

B. Hunt wild turkey with a crossbow during the spring open season on wild turkey in areas open to wild turkey hunting as established by rule in section 11701; [2013, c. 236, §3 (NEW) .]

C. Hunt moose with a crossbow in areas of the State open to moose hunting during the open season on moose established by rule in section 11552, subsections 1 and 2 and according to the rules pertaining to moose hunting permits adopted by the commissioner for the protection of the moose resource under section 11551 and in accordance with the provisions of section 11601; and [2013, c. 236, §3 (NEW) .]

D. Hunt deer with a crossbow during the open firearm season on deer as provided in section 11401. [2013, c. 538, §14 (AMD) .]

[2013, c. 538, §14 (AMD) .]

1-A. Hunting with a crossbow; 70 years of age or older.

[2013, c. 538, §15 (RP) .]

1-B. (TEXT EFFECTIVE UNTIL 1/1/15) (TEXT REPEALED 1/1/15) Hunting with a crossbow; 70 years of age or older. A person 70 years of age or older may hunt a wild bird or a wild animal with a crossbow during any open season on that wild bird or wild animal, subject to this Part. A person 70 years of age or older may hunt deer with a crossbow during a regular archery-only season established under section 11403 or in an expanded archery zone or during the muzzle-loading-only deer hunting season established under section 11404.

This subsection is repealed January 1, 2015.

[2013, c. 538, §16 (NEW) .]

2. Rulemaking. The commissioner shall adopt rules regulating the use of crossbows for hunting that include but are not limited to restrictions on size, bolts, broadheads, sighting devices and safety mechanisms. The commissioner shall adopt rules that prohibit the use of hand-held or pistol-type crossbows and crossbows with a draw weight of less than 100 pounds or more than 200 pounds. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2005, c. 419, §2 (NEW); 2005, c. 419, §12 (AFF) .]

SECTION HISTORY

2005, c. 419, §2 (NEW). 2005, c. 419, §12 (AFF). 2011, c. 61, §§2, 3 (AMD). 2013, c. 236, §3 (AMD). 2013, c. 538, §§14-16 (AMD).

**Subchapter 2: HUNTING LICENSE REQUIREMENTS AND FEES HEADING:
PL 2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)**

§11101. APPLICATION AND ISSUANCE

A resident or nonresident may apply for and the commissioner or the commissioner's authorized agent may issue a written license to hunt wild animals and wild birds. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF) .

§11102. AGE LIMITATION FOR OBTAINING HUNTING LICENSE

A person under 10 years of age is ineligible to obtain a hunting license. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §111 (RPR).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B111 (RPR).

§11103. CONVICTED FELON

A person who is prohibited from possessing a firearm under Title 15, section 393, subsection 1 is ineligible to obtain or possess any license or permit issued by the department that authorizes a person to hunt with a firearm unless that person possesses a valid permit in accordance with Title 15, section 393, subsection 2. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §112 (AMD); 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B112 (AMD). 2003, c. 655, §B422 (AFF).

§11104. MENTAL DEFICIENCY OR ILLNESS; ELIGIBILITY

A person who is a mentally ill person, as defined in Title 34-B, section 3801, or who has a mental deficiency or mental illness, as those terms are defined in Title 34-B, section 9002, is ineligible to obtain a hunting license. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §112 (AMD); 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B112 (AMD). 2003, c. 655, §B422 (AFF).

§11105. SAFETY COURSE

1. Hunter safety course requirements. Except as provided in subsection 2, a person who applies for a Maine license to hunt with firearms other than a junior license or an apprentice hunter license issued under section 11108-B must submit proof of having successfully completed a hunter safety course as provided in section 10108 or an equivalent hunter safety course or satisfactory evidence of having previously held a valid adult license to hunt with firearms in this State or any other state, province or country in any year beginning with 1976.

When proof of competency can not otherwise be provided, the applicant may substitute a signed affidavit that the applicant has previously held the required adult hunting license or that the applicant has successfully completed the required hunter safety course.

[2013, c. 538, §17 (AMD) .]

2. Hunter safety course exemption for certain members of armed forces domiciled in State. A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the United States and home on leave is exempt from hunter safety course requirements under subsection 1 if

that member shows proof at the time of application for the license that that member's home state of record, as recorded in that person's military service records, is Maine. A person who no longer meets the conditions for an exemption under this subsection must satisfy the requirements of subsection 1.

[2013, c. 139, §1 (NEW) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2013, c. 139, §1 (AMD). 2013, c. 408, §9 (AMD). 2013, c. 538, §17 (AMD).

§11106. ELIGIBILITY FOR ARCHERY HUNTING LICENSE

1. Age requirement. A person is eligible to obtain an archery hunting license as provided in this section.

A. A resident or nonresident 16 years of age or older who has satisfied the requirements of subsection 2 or holds an apprenticeship hunter license, or who is exempt under subsection 3, may obtain an archery hunting license to hunt with bow and arrow from the commissioner or the commissioner's authorized agent. [2013, c. 139, §2 (AMD).]

B. A resident or nonresident 10 years of age or older and under 16 years of age may hunt with bow and arrow if that person holds a valid junior hunting license. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2013, c. 139, §2 (AMD) .]

2. Archery hunter education requirements. Except as provided in paragraph A and subsection 3, a person who applies for an archery hunting license other than a junior hunting license or an apprenticeship hunter license must submit proof of having successfully completed an archery hunter education course as described in section 10108 or an equivalent archery hunter education course or satisfactory evidence of having previously held a valid adult archery hunting license issued specifically for the purpose of hunting with bow and arrow in this State or any other state, province or country in any year after 1979.

When proof or evidence cannot be otherwise provided, the applicant may substitute a signed affidavit that the applicant has previously held the required adult archery hunting license or has successfully completed the required archery hunter education course.

A. A person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs who presents certification from the respective reservation governor or the Aroostook Micmac Council stating that the person is an enrolled member of a federally recognized nation, band or tribe listed in this paragraph is exempt from the requirements of this subsection. [2013, c. 588, Pt. A, §12 (RPR).]

[2013, c. 588, Pt. A, §12 (RPR) .]

3. Archery hunter education course exemption for members of armed forces domiciled in State.

A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the United States and home on leave is exempt from archery hunter education course requirements under subsection 2 if that member shows proof at the time of application for the license that that member's home state of record, as recorded in that person's military service records, is Maine. A person who no longer meets the conditions for an exemption under this subsection must satisfy the requirements of subsection 2.

[2013, c. 139, §2 (NEW) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2005, c. 397, §E4 (AMD). 2007, c. 203, §§1, 2 (AMD). 2013, c. 139, §2 (AMD). 2013, c. 185, §1 (AMD). 2013, c. 408, §10 (AMD). 2013, c. 588, Pt. A, §12 (AMD).

§11106-A. ELIGIBILITY FOR CROSSBOW HUNTING LICENSE

1. Big game license. A resident or nonresident 16 years of age or older who has satisfied the requirements of subsection 3 or who is exempt under subsection 4 and who holds a valid big game license or an apprenticeship hunter license may obtain a crossbow license to hunt with a crossbow from the commissioner or the commissioner's authorized agent.

[2013, c. 139, §3 (AMD) .]

2. Junior license. A resident or nonresident 10 years of age or older and under 16 years of age may hunt with a crossbow if that person holds a valid junior hunting license.

[2005, c. 419, §3 (NEW); 2005, c. 419, §12 (AFF) .]

3. Crossbow hunter education requirements. Except as provided in paragraph A, a person who applies for a crossbow hunting license other than a junior hunting license or an apprenticeship hunter license must submit proof of having successfully completed an archery hunting education course and a crossbow hunting course as described in section 10108 or equivalent crossbow and archery hunting education courses or satisfactory evidence of having previously held valid adult archery and valid crossbow hunting licenses issued specifically for the purpose of hunting with a crossbow or bow and arrow in this State or any other state, province or country in any year after 1979.

When proof or evidence cannot be otherwise provided, the applicant may substitute a signed affidavit that the applicant has previously held the required adult crossbow and archery hunting license or has successfully completed the required crossbow and archery hunting education courses.

A. A person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs who presents certification from the respective reservation governor or the Aroostook Micmac Council stating that the person is an enrolled member of a federally recognized nation, band or tribe listed in this paragraph is exempt from the requirements of this subsection. [2013, c. 588, Pt. A, §13 (RPR) .]

[2013, c. 588, Pt. A, §13 (RPR) .]

4. Crossbow hunter education course exemption for members of armed forces domiciled in State.

A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the United States and home on leave is exempt from crossbow hunter education course requirements under subsection 3 if that member shows proof at the time of application for the license that that member's home state of record, as recorded in that person's military service records, is Maine. A person who no longer meets the requirements of this subsection must satisfy the conditions for exemption under subsection 3.

[2013, c. 139, §4 (NEW) .]

SECTION HISTORY

2005, c. 419, §3 (NEW). 2005, c. 419, §12 (AFF). 2007, c. 203, §§3, 4 (AMD). 2013, c. 139, §§3, 4 (AMD). 2013, c. 185, §2 (AMD). 2013, c. 408, §11 (AMD). 2013, c. 588, Pt. A, §13 (AMD).

§11107. ELIGIBILITY FOR HUNTING WITH MUZZLE-LOADER

This section governs eligibility for hunting with a muzzle-loader. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

1. Big game license. A person 16 years of age or older at the beginning of the special season established under section 11404, subsection 1-A may obtain a muzzle-loading permit from the commissioner or the commissioner's authorized agent if the person possesses a valid license to hunt big game with firearms.

[2013, c. 588, Pt. A, §14 (AMD) .]

2. Junior license. A person 10 years of age or older and under 16 years of age may obtain a muzzle-loading permit from the commissioner or the commissioner's authorized agent if the person possesses a valid junior hunting license.

[2005, c. 397, Pt. E, §5 (AMD) .]

3. Apprenticeship hunter license. A holder of an apprenticeship hunter license may obtain a muzzle-loading permit from the commissioner or the commissioner's authorized agent.

[2007, c. 203, §5 (NEW) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2005, c. 397, §E5 (AMD). 2007, c. 203, §5 (AMD). 2013, c. 588, Pt. A, §14 (AMD).

§11108. HUNTING WITHOUT LICENSE

1. On certain land. Notwithstanding section 11109, subsection 1 as it applies to this subchapter, a resident over 10 years of age and a member of the resident's immediate family over 10 years of age, as long as the hunter's license to hunt is not under suspension or revocation, may hunt without a license, including, but not limited to, an archery hunting license, a crossbow hunting license and a muzzle-loading license, on a single plot of land:

A. To which they are legally entitled to possession; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. On which they are actually domiciled; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

C. That is used exclusively for agricultural purposes; and [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

D. That is in excess of 10 acres. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2005, c. 419, §4 (AMD); 2005, c. 419, §12 (AFF) .]

2. Junior hunters.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §113 (RP) .]

3. Allowing junior hunter to hunt without adult supervision.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §113 (RP) .]

4. Expiration of junior hunting license.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §113 (RP) .]

5. Hunting assistance. A person may assist in a hunt without a license or permit for that activity as long as that person does not carry hunting equipment or engage in driving deer as described in section 11453.

[2003, c. 655, Pt. B, §113 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B113 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 419, §4 (AMD). 2005, c. 419, §12 (AFF).

§11108-A. JUNIOR HUNTING LICENSE RESTRICTIONS

(REPEALED)

SECTION HISTORY

2003, c. 655, §B114 (NEW). 2003, c. 655, §B422 (AFF). 2009, c. 69, §1 (AMD). 2013, c. 538, §18 (RP).

§11108-B. APPRENTICE HUNTER LICENSE RESTRICTIONS

1. Adult supervisor required. A holder of an apprentice hunter license may not hunt other than in the presence of an adult supervisor.

A. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

[2007, c. 203, §6 (NEW).]

[2013, c. 538, §19 (AMD) .]

1-A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Adult supervisor" means a person who is 18 years of age or older and holds a valid Maine hunting license. [2013, c. 538, §19 (NEW).]

B. "In the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars and citizen band radios. [2013, c. 538, §19 (NEW) .]

[2013, c. 538, §19 (NEW) .]

2. Adult supervisor responsibility. An adult supervisor must have held a valid hunting license for the prior 3 consecutive years to be qualified to supervise a holder of an apprentice hunter license. An adult supervisor shall ensure that the holder of an apprentice hunter license follows safe and ethical hunting protocol and adheres to the laws under this Part. An adult supervisor may not intentionally permit a person hunting under an apprentice hunter license with that adult supervisor to violate subsection 1.

A. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$500 must be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2007, c. 203, §6 (NEW).]

[2013, c. 538, §19 (AMD) .]

3. Eligibility. A resident or nonresident 16 years of age or older who has never held a valid adult hunting license in this State, or any other state, province or country, is eligible to obtain an apprentice hunter license. Notwithstanding section 11105, a person is eligible to obtain an apprentice hunter license without having successfully completed a hunter safety course. A person may not obtain an apprentice hunter license more than twice. A person selected to receive a moose permit may not then purchase an apprentice hunter license to meet the licensing requirements for that permit.

[2013, c. 538, §19 (AMD) .]

4. Expiration of apprentice hunter license. An apprentice hunter license is valid for up to 12 calendar months and expires on December 31st.

[2013, c. 538, §19 (AMD) .]

5. Definition.

[2013, c. 538, §19 (RP) .]

SECTION HISTORY

2007, c. 203, §6 (NEW). 2009, c. 340, §13 (AMD). 2013, c. 538, §19 (AMD).

§11108-C. ELIGIBILITY AND RESTRICTIONS FOR A JUNIOR HUNTING LICENSE

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Adult supervisor" means:

(1) The parent or guardian of the junior hunter; or

(2) A person 18 years of age or older who:

(a) Is approved by the parent or guardian of the junior hunter; and

(b) Holds or has held a valid Maine hunting license or meets the requirements of section 11105. [2013, c. 538, §20 (NEW).]

B. "In the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars and citizen band radios. [2013, c. 538, §20 (NEW) .]

[2013, c. 538, §20 (NEW) .]

2. Eligibility. A resident or nonresident who is at least 10 years of age and under 16 years of age may obtain a junior hunting license, which allows that person to hunt subject to the conditions set out in this section.

[2013, c. 538, §20 (NEW) .]

3. Supervision of junior hunters. A hunter who is at least 10 years of age and under 16 years of age may not hunt unless that person holds a junior hunting license and is in the presence of and under the effective control of an adult supervisor.

[2013, c. 538, §20 (NEW) .]

4. Supervision of junior hunters 16 years of age. A hunter 16 years of age who obtained a junior hunter license before that person reached 16 years of age may not hunt with that license unless the person is in the presence of or under the effective control of an adult supervisor or the person has successfully completed a hunter safety course acceptable under section 11105. The following penalties apply to a violation of this subsection:

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged; and [2013, c. 538, §20 (NEW) .]

B. A person who violates paragraph A after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2013, c. 538, §20 (NEW) .]

[2013, c. 538, §20 (NEW) .]

5. Expiration of junior hunting license issued to person 15 years of age. A junior hunting license issued to a person who is 15 years of age is valid through the calendar year for which the license is issued. In addition to the requirements of subsection 4, all other permit requirements applicable to a person who is 16 years of age or older apply to a person who continues to hunt with a junior hunting license under this subsection after reaching that person's 16th birthday.

[2013, c. 538, §20 (NEW) .]

6. Penalties for supervisors of junior hunters. A person who is the adult supervisor of a holder of a valid junior hunting license when that junior hunter violates any provision of this Part pertaining to hunting:

A. Commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged; and [2013, c. 538, §20 (NEW) .]

B. After having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period, commits a Class E crime. [2013, c. 538, §20 (NEW) .]

[2013, c. 538, §20 (NEW) .]

SECTION HISTORY

2013, c. 538, §20 (NEW) .

§11109. LICENSES AND FEES

1. License required. Except as otherwise authorized pursuant to this Part, a person may not engage in an activity for which a license may be issued under this section unless that person has a valid license issued under this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Hunting licenses; agent's fee. Clerks or other agents appointed by the commissioner to issue licenses and permits shall charge a fee of \$2 for each hunting license issued. The commissioner shall charge a fee of \$1 for each hunting license issued by department employees.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

3. Hunting licenses; combination licenses; fees. Hunting licenses, combination licenses and fees are as follows.

A. A resident junior hunting license, for a person 10 years of age or older and under 16 years of age, is \$7. Notwithstanding the permit fees established in subchapter 3, a resident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost. A resident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part. [2013, c. 538, §21 (AMD) .]

B. A resident hunting license, for a person 16 years of age or older, is \$25. [2009, c. 213, Pt. OO, §2 (AMD) .]

C. A resident small game hunting license, for a person 16 years of age or older, which permits hunting for all legal species except deer, bear, turkey, moose, raccoon and bobcat, is \$14. [2005, c. 12, Pt. III, §4 (AMD) .]

D. A resident combination hunting and fishing license is \$42. [2009, c. 213, Pt. OO, §2 (AMD) .]

E. A resident combination archery hunting and fishing license is \$42. [2009, c. 213, Pt. OO, §2 (AMD) .]

E-1. A resident apprenticeship hunter license, which includes a bear hunting permit and a wild turkey hunting permit under sections 11151 and 11155 respectively, is \$25. [2009, c. 213, Pt. OO, §2 (AMD) .]

F. A nonresident junior hunting license, for a person 10 years of age or older and under 16 years of age, is \$34. A nonresident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part. [2013, c. 538, §22 (RPR) .]

G. A nonresident small game hunting license, which permits hunting of all legal species except deer, bear, turkey, moose, raccoon and bobcat, is \$74. [2009, c. 213, Pt. OO, §2 (AMD) .]

H. A nonresident 3-day small game hunting license, valid for 3 consecutive hunting days, which permits hunting of all legal species except deer, bear, turkey, moose, raccoon and bobcat for the 72-hour period specified on the license, is \$49. [2009, c. 213, Pt. OO, §2 (AMD) .]

I. A nonresident big game hunting license, which permits hunting of all legal species subject to the permit requirements in subchapter 3, is \$114. [2011, c. 1, §15 (COR) .]

J. A nonresident combination hunting and fishing license is \$149. [2009, c. 213, Pt. OO, §2 (AMD) .]

K. An alien small game hunting license, which permits hunting of all species except deer, bear, turkey, moose, raccoon and bobcat, is \$79. [2009, c. 213, Pt. OO, §2 (AMD) .]

L. An alien big game hunting license, which permits hunting of all legal species subject to the permit requirements in subchapter 3, is \$139. [2011, c. 1, §15 (COR).]

M. An alien combination hunting and fishing license is \$190. [2009, c. 213, Pt. OO, §2 (AMD).]

N. A license to use leashed dogs to track wounded animals, which permits a person to use one or more leashed dogs to track a lawfully wounded deer, moose or bear, is \$27. [2005, c. 12, Pt. III, §4 (AMD).]

O. A nonresident small game apprenticeship hunter license, which permits the hunting of all legal species except deer, bear, turkey, moose, raccoon and bobcat, is \$74. [2009, c. 213, Pt. OO, §2 (AMD).]

P. A nonresident big game apprenticeship hunter license, which permits the hunting of all legal species and includes a bear hunting permit and a wild turkey hunting permit under sections 11151 and 11155 respectively, is \$114. [2009, c. 213, Pt. OO, §2 (AMD).]

[2013, c. 538, §§21, 22 (AMD) .]

4. Muzzle-loading permit; issuance and agent's fee. The commissioner, through the commissioner's agent, shall issue muzzle-loading permits to eligible persons. The issuing agent shall charge a fee of \$1 for each permit issued.

[2005, c. 397, Pt. E, §6 (AMD) .]

5. Muzzle-loading permits and fees. Muzzle-loading hunting permits and fees are as follows:

A. A resident muzzle-loading hunting permit is \$13; [2005, c. 397, Pt. E, §7 (AMD).]

B. A nonresident muzzle-loading hunting permit is \$69; and [2009, c. 213, Pt. OO, §3 (AMD).]

C. An alien muzzle-loading hunting permit is \$79. [2009, c. 213, Pt. OO, §3 (AMD).]

[2009, c. 213, Pt. OO, §3 (AMD) .]

6. Issuance of archery hunting license; agent's fee. Clerks or other agents appointed by the commissioner to issue archery hunting licenses must charge a fee of \$1 for each archery hunting license issued. The commissioner shall charge a fee of \$1 for each archery hunting license issued by department employees.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

7. Archery hunting licenses; combination licenses; fees. Archery hunting licenses, combination licenses and fees are as follows:

A. A resident archery license is \$25; [2009, c. 213, Pt. OO, §4 (AMD).]

B. A resident combination archery hunting and fishing license is \$42; [2009, c. 213, Pt. OO, §4 (AMD).]

C. A nonresident archery license is \$74; and [2009, c. 213, Pt. OO, §4 (AMD).]

D. An alien archery license is \$84. [2009, c. 213, Pt. OO, §4 (AMD).]

[2009, c. 213, Pt. OO, §4 (AMD) .]

8. Issuance of crossbow hunting license; agent's fee. Clerks or other agents appointed by the commissioner to issue crossbow hunting licenses must charge a fee of \$1 for each crossbow hunting license issued. The commissioner shall charge a fee of \$1 for each crossbow hunting license issued by department employees.

[2005, c. 419, §5 (NEW); 2005, c. 419, §12 (AFF) .]

9. Crossbow licenses and fees. Crossbow hunting licenses and fees are as follows:

A. A resident crossbow hunting license is \$25; [2005, c. 419, §5 (NEW); 2005, c. 419, §12 (AFF) .]

B. A nonresident crossbow hunting license is \$55; and [2009, c. 213, Pt. OO, §5 (AMD) .]

C. An alien crossbow hunting license is \$79. [2009, c. 213, Pt. OO, §5 (AMD) .]

[2009, c. 213, Pt. OO, §5 (AMD) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §§B115,116 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 12, §§III4,5 (AMD). 2005, c. 397, §§E6,7 (AMD). 2005, c. 419, §5 (AMD). 2005, c. 419, §12 (AFF). 2007, c. 168, §§2, 3 (AMD). 2007, c. 168, §8 (AFF). 2007, c. 203, §§7-9 (AMD). 2009, c. 213, Pt. OO, §§2-5 (AMD). RR 2011, c. 1, §15 (COR). 2013, c. 213, §§1, 2 (AMD). 2013, c. 408, §12 (AMD). 2013, c. 538, §§21, 22 (AMD).

§11109-A. SUPER PACK LICENSE

Except as otherwise provided in this section, a super pack license includes all licenses and permits issued under this Part to hunt and fish all legal game and fish species, subject to the restrictions placed on the equivalent individual licenses or permits for those species. An individual license or permit contained in the super pack license is not valid unless the holder of the super pack license has met the eligibility requirements for that specific license or permit and is not otherwise prohibited from holding that license or permit. A person may be issued a super pack license without meeting the specific requirements of an individual license or permit contained in the super pack license, but that license or permit is invalid until the license holder meets the eligibility requirements for that particular license or permit. All restrictions and conditions on hunting and fishing apply to a super pack licensee. [2007, c. 163, §1 (AMD); 2007, c. 163, §3 (AFF) .]

1. Moose lottery chances. A super pack license includes, upon application, one chance in the moose lottery under section 11154, subsection 6.

[2011, c. 370, §3 (AMD) .]

2. Antlerless deer permit. A super pack license includes:

A. Except as provided in paragraph B, the opportunity to enter an antlerless deer permit lottery pursuant to section 11152 as afforded by a license contained within the super pack license subject to the conditions and restrictions placed on that license; and [2011, c. 252, §1 (AMD); 2011, c. 252, §2 (AFF) .]

B. An antlerless deer permit as provided under section 11152, except that it is valid only for antlerless deer in wildlife management districts in which at least 3,500 antlerless deer permits are issued. No more than 2.5% of those antlerless deer permits may be in the form of a super pack license. The commissioner shall implement a system for issuing antlerless deer permits under this subsection. If a super pack

licensee obtains an antlerless deer permit under this paragraph, that person is not eligible to obtain an antlerless deer permit under paragraph A. [2011, c. 252, §1 (AMD); 2011, c. 252, §2 (AFF).]

[2011, c. 252, §1 (AMD); 2011, c. 252, §2 (AFF) .]

3. Harvest of 5 deer. Notwithstanding section 11501, a super pack license authorizes the holder to take:

A. One deer during either the regular open firearm season or the regular archery-only season or the special muzzle-loading season in accordance with sections 11401, 11403 and 11404, respectively; [2007, c. 163, §1 (NEW); 2007, c. 163, §3 (AFF).]

B. One deer in accordance with subsection 2, paragraph B; and [2007, c. 492, §2 (AMD).]

C. Three antlerless deer during the special archery season in accordance with section 11402, subsection 4. [2007, c. 492, §3 (AMD).]

[2007, c. 492, §§2, 3 (AMD) .]

4. Licenses not included. A super pack license does not include:

A. A license or permit under subchapters 13 and 15; [2011, c. 1, §16 (COR).]

B. A license or permit under chapter 917; [2007, c. 163, §1 (NEW); 2007, c. 163, §3 (AFF).]

C. A permit or certificate under chapter 921; [2007, c. 163, §1 (NEW); 2007, c. 163, §3 (AFF).]

D. A license or permit under chapter 923, subchapter 2, except it does include licenses issued to fish pursuant to section 12501; [2007, c. 163, §1 (NEW); 2007, c. 163, §3 (AFF).]

E. A license or permit under chapter 923, subchapter 3; [2007, c. 163, §1 (NEW); 2007, c. 163, §3 (AFF).]

F. A license under chapter 927; [2007, c. 163, §1 (NEW); 2007, c. 163, §3 (AFF).]

G. A permit under section 12704; or [2007, c. 163, §1 (NEW); 2007, c. 163, §3 (AFF).]

H. A moose permit under section 11154. [2007, c. 163, §1 (NEW); 2007, c. 163, §3 (AFF).]

[2011, c. 1, §16 (COR) .]

5. Fee. The fee for a super pack license is \$200 for residents and \$175 for a person holding 2 or more lifetime licenses.

[2005, c. 477, §4 (NEW) .]

SECTION HISTORY

2005, c. 12, §III6 (NEW). 2005, c. 477, §4 (RPR). 2007, c. 163, §1 (AMD). 2007, c. 163, §3 (AFF). 2007, c. 492, §§1-3 (AMD). 2009, c. 132, §1 (AMD). RR 2011, c. 1, §16 (COR). 2011, c. 252, §1 (AMD). 2011, c. 252, §2 (AFF). 2011, c. 370, §3 (AMD).

§11110. TRANSFER OF HUNTING AREAS OR ZONES

A person who has been assigned a designated hunting area, zone or season by the department for purposes of hunting a game animal may exchange that designated zone, area or season with another person assigned a different hunting zone, area or season for the same game animal for purposes of hunting that same game animal. The commissioner may adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2005, c. 74, §1 (AMD).]

SECTION HISTORY

2003, c. 655, §B117 (NEW). 2003, c. 655, §B422 (AFF). 2005, c. 74, §1 (AMD).

§11111. TRACKING WOUNDED ANIMALS WITH LEASHED DOGS; FEE FOR SERVICES

A person who holds a valid license issued under section 11109, subsection 3, paragraph N to use leashed dogs to track wounded bear, deer or moose may charge a fee for dog tracking services. Notwithstanding section 10001, subsection 28, a person is not a guide if the only services that person charges a fee for are dog tracking services pursuant to this section. [2003, c. 655, Pt. B, §117 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

2003, c. 655, §B117 (NEW). 2003, c. 655, §B422 (AFF).

Subchapter 3: HUNTING PERMIT REQUIREMENTS AND FEES HEADING: PL 2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§11151. BEAR HUNTING PERMIT

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt for bear without a valid permit from the first Monday preceding September 1st to the day preceding the open firearm season on deer. This section does not apply to trapping for bear.

Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §118 (AMD); 2003, c. 655, Pt. B, §422 (AFF).]

2. Eligibility; big game license required. A person who possesses a valid license to hunt big game may obtain a permit to hunt for bear from the commissioner or an authorized agent.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

3. Issuance; permit fee. The commissioner, through the commissioner's authorized agent, shall issue a bear hunting permit to an eligible person. The annual fee for each permit issued is \$27 for residents and \$74 for nonresidents.

[2009, c. 213, Pt. 00, §6 (AMD).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B118 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 12, §III7 (AMD). 2009, c. 213, Pt. 00, §6 (AMD).

§11151-A. NONRESIDENT LATE SEASON BEAR HUNTING PERMIT

1. Permit required. Except as otherwise authorized pursuant to this Part or for a nonresident who holds a valid bear hunting permit under section 11151, a nonresident may not hunt for bear during the regular firearm season on deer under section 11401 without a valid permit issued pursuant to this section.

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

[2007, c. 168, §4 (NEW); 2007, c. 168, §8 (AFF) .]

2. Eligibility; nonresident late season bear hunting permit. A person who possesses a valid nonresident license to hunt big game may obtain a permit to hunt for bear from the commissioner or the commissioner's authorized agent.

[2007, c. 168, §4 (NEW); 2007, c. 168, §8 (AFF) .]

3. Issuance; permit fee. The commissioner, through the commissioner's authorized agent, shall issue a nonresident late season bear hunting permit to an eligible person. The annual fee for each permit issued is \$40.

[2007, c. 168, §4 (NEW); 2007, c. 168, §8 (AFF) .]

SECTION HISTORY

2007, c. 168, §4 (NEW). 2007, c. 168, §8 (AFF).

§11152. ANTLERLESS DEER; REGULATION AND AUTHORITY TO ISSUE PERMITS

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt antlerless deer as authorized in this section unless that person has a valid permit issued under this section.

A. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed. [2007, c. 463, §3 (AMD) .]

B. [2007, c. 463, §3 (RP) .]

[2007, c. 463, §3 (AMD) .]

1-A. Antlerless deer in wildlife management districts with no permits issued. Except as otherwise provided in this Part, a person may not hunt or possess an antlerless deer in a wildlife management district that does not have permits issued. A person may possess in one of those districts an antlerless deer that has been lawfully registered in another district where permits have been issued.

A person that violates this subsection commits a Class D crime for which a minimum fine of \$1,000 must be imposed, and the court shall impose a sentencing alternative involving a term of imprisonment of at least 3 days, none of which may be suspended.

[2011, c. 253, §18 (AMD) .]

2. Authority to regulate taking of antlerless deer. The commissioner may regulate the taking of antlerless deer within an area of the State as necessary to maintain deer populations in balance with available habitat if the demarcation of each area follows recognizable physical boundaries such as rivers, roads and railroad rights-of-way. This subsection does not apply to a person with a special antlerless deer permit under subsection 7.

A. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §120 (RP).]

B. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §120 (RP).]

[2005, c. 142, §1 (AMD) .]

3. Rulemaking. The commissioner may adopt rules necessary for the administration, implementation, enforcement and interpretation of this section, except that the commissioner is not authorized to establish an antlerless deer permit system unless otherwise specified in this section. The commissioner may appoint clerks or agents under section 10801 to process applications for permits issued under this section. A clerk or agent appointed by the commissioner to process applications shall charge a fee of \$2 for each application processed by that clerk or agent under this section. Rules adopted by the commissioner that provide for permits to be issued to nonresident or alien hunters must provide that:

A. [2011, c. 533, §3 (RP).]

B. No more than 15% of the antlerless deer permits issued in any one district or in any one zone may be issued to nonresident and alien hunters. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2011, c. 533, §3 (AMD) .]

4. Landowner consideration. An antlerless deer permit system adopted by the commissioner pursuant to this section may include a provision giving special consideration to landowners who keep their lands open to hunting by the public. As part of the special consideration to those landowners, the commissioner shall provide at least 25% of the available antlerless deer permits in a wildlife management district to eligible landowners that apply for an antlerless deer permit in that district. Any 2 or more areas of land owned by the same person that are open for hunting and that would be contiguous except for being divided by one or more roads are considered contiguous for the purposes of determining landowner eligibility for special consideration under this subsection.

[2007, c. 492, §4 (AMD) .]

5. Hunter permit transfers. A resident may take an antlerless deer if another resident who holds a valid antlerless deer permit transfers the permit to that resident by identifying the name and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then returns the permit to the department prior to the start of the firearm season on deer. A nonresident may take an antlerless deer if another nonresident who holds a valid antlerless deer permit transfers the permit to that nonresident by identifying the name and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then returns the permit to the department prior to the start of the firearm season on deer. The commissioner shall record a transfer under this subsection and return the permit to the transferee. A valid permit must be in the possession of the transferee in order for the transferee to take an antlerless deer.

[2013, c. 322, §1 (AMD) .]

6. Transfer of antlerless deer permit to person with ambulatory disabilities.

[2013, c. 322, §2 (RP) .]

7. Special antlerless deer permit. The commissioner shall issue a special antlerless deer permit to an eligible person who has lost all or part of one or more lower limbs, not including a partial foot amputation, or is suffering from the permanent loss of use of both lower limbs. The commissioner shall issue a permit upon application and after the applicant verifies that person's ambulatory disability with a letter signed by a physician confirming the person's condition. A person who is issued a special antlerless deer permit under this subsection may take an antlerless deer in any part of the State open to the taking of antlerless deer pursuant to subsection 3.

[2013, c. 538, §23 (AMD) .]

8. Junior hunter consideration. An antlerless deer permit system adopted by the commissioner pursuant to this section may include a provision giving special consideration to persons with a valid junior hunting license. As part of the special consideration to junior hunters, the commissioner shall provide at least 25% of the available antlerless deer permits in a wildlife management district to persons with a valid junior hunting license who apply for an antlerless deer permit in that district.

[2013, c. 213, §3 (NEW) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §§B119-123 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 142, §§1,2 (AMD). 2005, c. 477, §5 (AMD). 2007, c. 463, §§3, 4 (AMD). 2007, c. 492, §4 (AMD). 2009, c. 186, §3 (AMD). 2011, c. 253, §18 (AMD). 2011, c. 533, §§3, 4 (AMD). 2013, c. 213, §3 (AMD). 2013, c. 322, §§1, 2 (AMD). 2013, c. 408, §13 (AMD). 2013, c. 538, §23 (AMD).

§11153. SPECIAL SEASON DEER PERMITS; FEES

1. Special season deer hunting permits; authority to issue for special season. The commissioner may implement a permit system to regulate hunter participation in a special season established by the commissioner pursuant to section 11402, subsection 4, paragraph B and the number, sex and age of deer harvested. If permits are issued, the fee for a deer permit other than an antlerless deer permit is \$32 and the fee for an antlerless deer permit is \$12.

[2005, c. 12, Pt. III, §8 (AMD) .]

2. Prohibition. Except as otherwise authorized pursuant to this Part, a person may not hunt deer during a special season established under this section unless that person has a valid permit issued pursuant to this section.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

3. Penalty. Each day a person violates this section that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

[2003, c. 655, Pt. B, §124 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B124 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 12, §III8 (AMD).

§11154. MOOSE PERMIT

1. Permit required. Except as otherwise provided in this Part, a person may not hunt or possess a moose unless that person has a valid permit issued under this section. A person without a moose permit may possess moose parts lawfully sold under section 11217, subsection 2, paragraph D.

A person who violates this subsection commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended; the court also shall impose a fine of not less than \$1,000, none of which may be suspended.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §125 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Issuance of moose hunting permits. In accordance with section 11552, the commissioner may issue moose hunting permits and may establish the number of moose hunting permits to be issued for each wildlife management district established by the commissioner by rule open to moose hunting. No more than 10% of the moose hunting permits may be issued to nonresident and alien hunters.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

3. Moose hunting permit fee. The fee for a moose hunting permit is \$52 for a resident and \$585 for a nonresident or alien.

[2011, c. 370, §4 (AMD) .]

4. Big game hunting license required. While hunting moose, the permittee and the subpermittee shall each have in that person's possession a valid Maine resident, nonresident or alien big game hunting license, whichever is applicable.

Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §126 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

5. Eligibility. Except as provided in this subsection, a resident, nonresident or alien who is eligible to obtain a Maine hunting license or who will be eligible to obtain a Maine hunting license by the opening day of the open moose season is eligible to apply for a moose hunting permit. Beginning in 2011, a person who has obtained a moose hunting permit is ineligible to obtain another permit until 3 years have elapsed after the issuance of the last permit. This limitation does not apply to subpermittees under subsection 7.

[2011, c. 370, §5 (AMD) .]

6. Application procedure. An eligible person wishing to apply for a permit must file a written application for a permit on a form furnished by the commissioner. The application fee is nonrefundable. A person may file no more than one application. A person who submits more than one application is disqualified from the selection of permittees. The application must be accompanied by an application fee of:

A. For a resident:

(1) Fifteen dollars for a one-chance application; or

[2011, c. 370, §6 (AMD) .]

B. For a nonresident:

(1) Fifteen dollars for a one-chance application;

- (2) Twenty-five dollars for a 3-chance application;
- (3) Thirty-five dollars for a 6-chance application; and
- (4) Fifty-five dollars for a 10-chance application; multiple 10-chance options may be purchased. [2005, c. 12, Pt. III, §10 (AMD).]

A clerk or agent appointed by the commissioner under section 10801 may process an application under this subsection. The clerk or agent shall charge a fee of \$2 for each application under this subsection processed by that clerk or agent.

The commissioner shall allow an applicant to indicate that that applicant does not want to receive a moose permit pursuant to the application but wishes to receive the corresponding points under subsection 8 for that application.

[2011, c. 370, §6 (AMD) .]

7. Subpermittees. An applicant for a moose permit may indicate on the application filed pursuant to subsection 6 the name of a subpermittee-designate and the name of an alternate subpermittee-designate. If the applicant is issued a moose permit under subsection 9 and upon application to the commissioner, the permittee may change that person's subpermittee-designate or alternate subpermittee-designate until 30 days prior to the start of the moose hunting season for which the permit was issued. Thirty days prior to the start of the applicable moose hunting season, the subpermittee-designate becomes a subpermittee. The permittee may authorize the subpermittee to participate in the moose hunt with the permittee. The permittee may authorize the alternate subpermittee-designate to participate in the hunt in place of the subpermittee-designate if the permittee notifies the department of the authorization at least 5 business days prior to the first day of the moose season, in which case the alternate subpermittee-designate becomes the subpermittee. The permittee may choose not to authorize a subpermittee to participate in the hunt.

A. A person may not sell a subpermittee or an alternate subpermittee designation. [2011, c. 370, §7 (NEW) .]

B. A person who violates paragraph A commits a Class E crime. [2011, c. 370, §7 (NEW) .]

[2011, c. 370, §7 (AMD) .]

8. Point system for public chance drawing. A person accumulates points as follows for each consecutive year that person purchases an application for a moose hunting permit but is not selected to receive a permit:

A. One point each year for the first 5 years; [2011, c. 370, §8 (NEW) .]

B. Two points each year for years 6 to 10; [2011, c. 370, §8 (NEW) .]

C. Three points each year for years 11 to 15; and [2011, c. 370, §8 (NEW) .]

D. Ten points each year after the 15th year. [2011, c. 370, §8 (NEW) .]

Each point entitles an applicant to one chance in the public chance drawing. A person's accumulated points are eliminated and that person begins to accumulate points anew if in any year that person is selected to receive a moose hunting permit or if that person fails to purchase a new chance in any 2 consecutive years.

A person who is ineligible to receive a moose hunting permit as provided in subsection 5 may continue to purchase points for each year that person is ineligible to receive a moose hunting permit for the corresponding application fee under subsection 6.

[2011, c. 370, §8 (RPR) .]

9. Selection procedure. Permittees are selected by a public chance drawing, except that a permit must be issued to any resident who is 70 years of age or older or will attain 70 years of age during the calendar year in which the resident is applying for the permit, who has accumulated at least 30 points pursuant to subsection 8 and who applies for and is otherwise eligible to obtain the permit.

[2013, c. 226, §1 (AMD) .]

9-A. Permits in road safety management areas. A person who has been selected as a permittee to hunt in a wildlife management district that the commissioner has designated as a road safety management area and who indicates to the commissioner that the person wishes to decline the permit retains any points accumulated, as long as the person appropriately indicates the intent to decline within a reasonable amount of time after receiving notice from the commissioner of the person's permit and the person's right to decline the permit under this subsection. For purposes of this subsection, "road safety management area" means a wildlife management district in which the predominant moose management goal is to reduce the moose population to the extent necessary to minimize the danger to motorists.

[2013, c. 226, §2 (NEW) .]

10. Questionnaire. Each permittee shall complete a questionnaire, to be provided by the commissioner, and return this questionnaire to the commissioner within a period of 10 days after the close of the moose hunting season.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

11. Auction of moose hunting permits to fund youth conservation education programs. Notwithstanding subsection 1, the commissioner may issue not more than 10 moose hunting permits each year through public auction in accordance with this subsection.

A. Each moose hunting permit issued under this subsection must be awarded through public auction to the applicant who submits the highest bid. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. A person who applies for a moose hunting permit under this subsection is subject to the eligibility provisions of subsection 5, except that a successful applicant is not required to wait 3 years in order to obtain another permit. [2011, c. 370, §9 (AMD).]

C. An eligible person wishing to apply for a permit under this subsection must submit a written application in such form as the commissioner may require. The application must be accompanied by a bidding fee of \$25, which, except as otherwise provided in paragraph D, is nonrefundable. The commissioner may waive the requirements of this paragraph when, as provided in paragraph G, the commissioner enters into a contract with a conservation organization to auction the permits. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §128 (AMD); 2003, c. 655, Pt. B, §422 (AFF).]

D. An eligible person may apply for a moose hunting permit both through the public chance drawing and in accordance with this subsection. If a person is selected to receive a moose hunting permit as a result of the public chance drawing, that person is no longer eligible to obtain a permit under this subsection and the bidding fee submitted by that person must be refunded. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

E. A moose hunting permit issued under this subsection is valid in the district designated by the permittee. This designation must be made within 30 days after the permit is awarded. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

F. A person who is awarded a moose hunting permit under this subsection may select a subpermittee to participate in the moose hunt as provided in subsection 7. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

G. The commissioner may enter into a contract with a conservation organization whose goals and objectives are not inconsistent with those of the department to advertise this process of issuing permits, auction the permits and collect revenues. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

H. Except as otherwise provided, the provisions of this Part relating to moose are applicable to the hunting of moose with a permit awarded under this subsection. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

I. The commissioner may adopt rules necessary for the proper administration, implementation, enforcement and interpretation of this subsection. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §129 (AMD); 2003, c. 655, Pt. B, §422 (AFF).]

J. Notwithstanding this subsection, the total number of moose hunting permits issued each year must be in accordance with section 11552, subsection 2. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

K. The commissioner may decline to issue any permit or any number of permits issuable pursuant to this subsection if, in the commissioner's opinion, the auction bids received do not reflect the public value anticipated to meet the goals of this subsection. Any permit or permits not issued under this subsection must be drawn in the public chance drawing pursuant to subsection 9. [2007, c. 161, §1 (NEW).]

[2011, c. 370, §9 (AMD) .]

12. Persons in armed forces called to serve in armed conflict. A person who is issued a moose permit under this section and who is subsequently called to active duty in the Armed Forces of the United States to serve in an armed conflict and is unable to use the permit is entitled to use the same permit during the next appropriate season following that person's return to the State. Permits used under this subsection do not affect the number of permits that may be issued by the commissioner under this section. For purposes of this subsection, "armed conflict" means any military action in which participants are exposed to war-risk hazards as defined in 42 United States Code, Section 1711(b).

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

13. Hunting adventure permits for children. Notwithstanding subsection 6 and section 11102, the commissioner may issue 2 moose permits to a nonprofit organization dedicated to providing hunting and fishing adventures to children under 21 years of age with life-threatening, critical or terminal illnesses. The commissioner may issue these permits upon written request by an eligible nonprofit organization but may not issue more than 2 permits in total for a calendar year. These permits are in addition to the moose hunting permits issued under subsection 2 for each wildlife management district and are at no cost to the organization.

[2005, c. 143, §1 (NEW) .]

14. Permits for hunting lodges. In any year in which the total number of moose permits available as determined by the commissioner under subsection 2 for the public chance drawing under subsection 9 exceeds 3,140, 10% of the permits exceeding 3,140 must be allocated through a chance drawing separate from the chance drawing under subsection 9 to hunting outfitters in accordance with this subsection. The fee for a moose hunting permit under this subsection is \$1,500.

A. For the purposes of this subsection, "hunting outfitter" means a person who operates a sporting camp as defined under Title 22, section 2491, subsection 11 that is licensed under Title 22, chapter 562 and who provides package deals that include food, lodging and the services of a guide licensed under chapter 927 for the purpose of hunting. [2013, c. 538, §24 (NEW).]

B. A hunting outfitter may sell or transfer a permit allocated under this subsection only once, only to a hunter who is eligible under paragraph F and only under the following conditions:

- (1) The sale or transfer must be part of a package deal that includes the food and lodging to be provided by the hunting outfitter to the person receiving the permit;
- (2) The person receiving the permit from the hunting outfitter must be accompanied during the hunt by a guide licensed under chapter 927;
- (3) The hunting outfitter must notify the department of the identity of the person receiving the permit; and
- (4) The hunting permit may not be sold or transferred by the hunter. [2013, c. 538, §24 (NEW) .]

C. A hunting outfitter may be allocated more than one permit. [2013, c. 538, §24 (NEW) .]

D. A permit allocated under this subsection may be used only for the year, season, sex and wildlife management district for which the permit is issued. [2013, c. 538, §24 (NEW) .]

E. Permits allocated under this subsection may not exceed 10% of the total permits issued per year for each season, sex and wildlife management district permit type. [2013, c. 538, §24 (NEW) .]

F. An individual may hunt with a permit sold or transferred under this subsection only if that individual is otherwise eligible to obtain and hunt with a permit under subsection 5. [2013, c. 538, §24 (NEW) .]

G. If proceeds in any year from the auction authorized under subsection 11 are less than \$107,000, proceeds from the chance drawing conducted pursuant to this subsection must be used to fund youth conservation education programs as provided under subsection 11 up to \$107,000. The remainder must be deposited in the Moose Research and Management Fund under section 10263. [2013, c. 538, §24 (NEW) .]

[2013, c. 538, §24 (NEW) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §§B125-129 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 12, §§III9,10 (AMD). 2005, c. 143, §1 (AMD). 2007, c. 161, §1 (AMD). 2009, c. 186, §4 (AMD). 2009, c. 213, Pt. OO, §7 (AMD). 2011, c. 370, §§4-9 (AMD). 2013, c. 226, §§1, 2 (AMD). 2013, c. 538, §24 (AMD).

§11155. WILD TURKEY HUNTING PERMITS

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt or possess wild turkey unless that person has a valid permit issued under this section.

A person who violates this subsection commits a Class E crime for which the court shall impose a fine of not less than \$500, none of which may be suspended. The court also shall impose a fine of \$500 for each wild turkey unlawfully possessed, none of which may be suspended.

[2003, c. 552, §2 (AMD); 2003, c. 552, §15 (AFF); 2003, c. 614, §9 (AFF); 2003, c. 655, Pt. C, §§2, 6 (AFF) .]

1-A. Eligibility; big game license required. A person who possesses a valid license to hunt big game may obtain a permit to hunt for wild turkey from the commissioner or an authorized agent.

[2005, c. 12, Pt. III, §11 (NEW) .]

1-B. Issuance; permit fee.

[2013, c. 387, §1 (AMD); T. 12, §11155, sub-§1-B (RP) .]

1-C. Issuance; permit fee. Beginning January 1, 2014, the commissioner, through the commissioner's authorized agent, shall issue in wildlife management districts that are open by rule for wild turkey hunting a combined fall and spring wild turkey hunting permit that allows an eligible person to take wild turkeys in the spring and fall seasons in accordance with section 11701. The fee for a combined fall and spring wild turkey hunting permit is \$20 for residents and nonresidents.

[2013, c. 387, §2 (NEW) .]

2. Issuance of wild turkey hunting permits.

[2005, c. 12, Pt. III, §12 (RP) .]

3. Eligibility.

[2005, c. 12, Pt. III, §12 (RP) .]

4. Application procedure and fee.

[2005, c. 12, Pt. III, §13 (RP) .]

5. Wild turkey hunting permit fee.

[2005, c. 12, Pt. III, §14 (RP) .]

6. Transfer of turkey permits.

[2005, c. 12, Pt. III, §14 (RP) .]

7. Landowner; wild turkey permit.

[2005, c. 12, Pt. III, §14 (RP) .]

8. Big game license required.

[2005, c. 12, Pt. III, §14 (RP) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 552, §2 (AMD). 2003, c. 552, §15 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B130 (AMD). 2003, c. 655, §§B422,C2,6 (AFF). 2005, c. 12, §§III11-14 (AMD). 2009, c. 213, Pt. 00, §8 (AMD). 2013, c. 387, §§1, 2 (AMD).

§11156. PHEASANT HUNTING PERMIT

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt pheasant in Cumberland County or York County unless that person has a valid permit issued under this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Rules. The commissioner may adopt rules necessary for the proper administration, enforcement and interpretation of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §131 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

3. Issuance. The commissioner or the commissioner's authorized agent may issue a pheasant hunting permit to an applicant 16 years of age or older permitting the applicant to hunt or possess pheasants in Cumberland County and York County. A person under 16 years of age may hunt or possess pheasants in accordance with this Part, except that a person under 16 years of age is not required to purchase or carry a pheasant hunting permit in order to hunt or possess pheasants.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

4. Fee. The fee for a pheasant hunting permit is \$18, \$1 of which is retained by the commissioner's authorized agent.

[2005, c. 12, Pt. III, §15 (AMD) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B131 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 12, §III15 (AMD).

§11157. MIGRATORY WATERFOWL PERMIT

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt migratory waterfowl unless that person has a valid permit issued pursuant to this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Issuance of permit. The commissioner or the commissioner's authorized agent shall issue a migratory waterfowl hunting permit to an applicant 16 years of age or older permitting the applicant to hunt or possess migratory waterfowl. A person under 16 years of age may, without a permit, hunt or possess migratory waterfowl in accordance with this Part.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

3. Fee. The fee for a migratory waterfowl hunting permit is \$7.50, 25¢ of which must be retained by the agent.

[2005, c. 12, Pt. III, §16 (AMD) .]

4. Expiration date. Migratory waterfowl hunting permits expire on December 31st of the year issued.

A. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §132 (RP).]

B. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §132 (RP).]

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §132 (RPR) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B132 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 12, §III16 (AMD).

§11158. MIGRATORY GAME BIRD CERTIFICATION

1. Certification required; exception. A person may not hunt migratory game birds unless that person is certified under this section. This section does not apply to a resident of the State who is 70 years of age or older and who is issued a complimentary license pursuant to section 10853, subsection 1.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged, unless otherwise specified. [2003, c. 655, Pt. B, §133 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §133 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §133 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Eligibility. A resident of the State, nonresident or alien who is eligible to obtain a state hunting license is eligible to be certified to hunt migratory game birds.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

3. Certification procedure. An eligible person becomes certified to hunt migratory game birds when that person indicates on that person's hunting license at the time of purchase the intention to hunt migratory game birds during the calendar year for which the license is valid.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B133 (AMD). 2003, c. 655, §B422 (AFF).

§11159. FALCONRY HUNTING PERMIT

1. Permit required. Except as otherwise authorized in this Part, a person may not engage in the practice of falconry unless that person has a valid permit issued under this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Eligibility. A person who possesses a valid hunting license is eligible to obtain a permit from the commissioner to engage in the practice of falconry.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

3. Issuance and fee. The commissioner shall issue permits to eligible persons to engage in the practice of falconry at a fee of \$26.

A. The permit may be for a one-year, 2-year or 3-year period at a fee equivalent to the sum of the annual fees established for each of the years for which the permit is issued. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. A person not a resident of the State who holds a valid permit to engage in the practice of falconry in another state may import and use raptors in this State for up to 30 days solely for the purpose of hunting without the permit described in this section if that person holds a valid Maine hunting license issued in accordance with subchapter 2. A person must have both the permit to engage in the practice of falconry in the other state and the Maine hunting license in possession at all times while engaged in the practice of falconry in this State. These documents must be exhibited to a warden or employee of the department upon request. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2005, c. 12, Pt. III, §17 (AMD) .]

4. Rules. The commissioner may adopt rules necessary for the proper administration and enforcement of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §134 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

5. Compliance with rules and regulations. Falconry hunting is subject to the following limitations.

A. A person who holds a valid falconry hunting permit may take, possess and use any raptor, except as provided in this Part or by federal regulation and except as the commissioner may by rule provide. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. Persons engaged in the practice of falconry are subject to all rules adopted by the commissioner pertaining to seasons and bag limits on wild birds and wild animals. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B134 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 12, §III17 (AMD).

§11160. COYOTE NIGHT HUNTING PERMIT

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt coyote at night unless that person has a valid permit issued under this section. Each night a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Eligibility; hunting license required. A person who possesses a valid hunting license is eligible to obtain a permit from the commissioner to hunt coyotes at night, except that a permit may not be issued to a person who has been convicted of a violation of section 11206 within 5 years of the date of application for the permit.

[2011, c. 1, §17 (COR) .]

3. Issuance. The commissioner shall issue a permit to hunt coyotes at night to eligible persons at a fee of \$4.

[2005, c. 12, Pt. III, §18 (AMD) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B135 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 12, §III18 (AMD). RR 2011, c. 1, §17 (COR).

Subchapter 4: GENERAL UNLAWFUL ACTS PERTAINING TO HUNTING HEADING: PL 2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§11201. HUNTING DURING CLOSED SEASON

1. Closed season; general. A person may not hunt any wild animal or wild bird during the closed season or possess any wild animal or wild bird taken during the closed season on that wild animal or wild bird. Except as otherwise provided in this section, a person who violates this section commits a Class E crime.

[2003, c. 552, §3 (NEW); 2003, c. 552, §15 (AFF); 2003, c. 655, Pt. C, §§2, 6 (AFF) .]

2. Bear. A person who hunts or possesses a bear in violation of this section commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended. The court also shall impose a fine of not less than \$1,000, none of which may be suspended.

[2003, c. 552, §3 (NEW); 2003, c. 552, §15 (AFF); 2003, c. 655, Pt. C, §§2, 6 (AFF) .]

3. Deer. A person who hunts or possesses a deer in violation of this section commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended. The court also shall impose a fine of not less than \$1,000, none of which may be suspended.

[2003, c. 552, §3 (NEW); 2003, c. 552, §15 (AFF); 2003, c. 655, Pt. C, §§2, 6 (AFF) .]

4. Moose. A person who hunts or possesses a moose in violation of this section commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended. The court also shall impose a fine of not less than \$1,000, none of which may be suspended.

[2003, c. 552, §3 (NEW); 2003, c. 552, §15 (AFF); 2003, c. 655, Pt. C, §§2, 6 (AFF) .]

5. Wild turkey. A person who hunts or possesses a wild turkey in violation of this section commits a Class E crime for which the court shall impose a fine of not less than \$500, none of which may be suspended. The court also shall impose a fine of not less than \$500 for each wild turkey unlawfully possessed, none of which may be suspended.

[2003, c. 552, §3 (NEW); 2003, c. 552, §15 (AFF); 2003, c. 655, Pt. C, §§2, 6 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 552, §15 (AFF). 2003, c. 552, §3 (RPR). 2003, c. 614, §9 (AFF). 2003, c. 655, §§C2,6 (AFF).

§11202. UNITY UTILITIES DISTRICT; CLOSED SEASON

There is a perpetually closed season on all wild animals and wild birds on property owned by the Unity Utilities District located on Route 139 and Prairie Road in the municipality of Unity in Waldo County.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF).

§11203. HUNTER ORANGE CLOTHING

1. Hunter orange required. A person may not hunt with firearms or crossbows during the open firearm season on deer unless that person is wearing 2 articles of hunter orange clothing that are in good, serviceable condition and visible from all sides, except that a person hunting waterfowl from a boat or blind or in conjunction with waterfowl decoys is not required to wear hunter orange clothing. One article of clothing must be a solid-colored hunter orange hat. The other article of clothing must cover a major portion of the torso, such as a jacket, vest, coat or poncho, and must be a minimum of 50% hunter orange in color. The presence of a decal on an article of clothing that is otherwise solid-colored hunter orange does not disqualify that article of clothing from satisfying the requirements of this subsection.

[2005, c. 477, §6 (AMD) .]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §136 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this section after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §136 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §136 (RPR) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B136 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 477, §6 (AMD).

§11204. CRIMINAL TRESPASS

A person may not possess a wild animal or wild bird taken while criminally trespassing as described in Title 17-A, section 402, except as otherwise provided in this Part. A person who violates this section commits a Class E crime. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF).

§11205. HUNTING ON SUNDAY

1. Prohibition. A person may not:

A. Hunt wild animals or wild birds on Sunday; or [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. Possess any wild animal or wild bird taken in violation of paragraph A except as otherwise provided in this Part. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §137 (AMD); 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalties. A person who violates subsection 1 commits a Class E crime.

[2003, c. 655, Pt. B, §137 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B137 (AMD). 2003, c. 655, §B422 (AFF).

§11206. NIGHT HUNTING

1. Prohibition. Except as otherwise provided in this Part, a person may not:

A. Hunt wild birds or wild animals from 30 minutes after sunset to 30 minutes before sunrise of the following day; or [2003, c. 592, §5 (AFF); 2003, c. 592, §3 (RPR); 2003, c. 614, §9 (AFF); 2003, c. 655, Pt. C, §§5, 6 (AFF).]

B. [2003, c. 592, §5 (AFF); 2003, c. 592, §3 (RP); 2003, c. 614, §9 (AFF); 2003, c. 655, Pt. C, §§5, 6 (AFF).]

C. Possess any wild animal or wild bird taken in violation of paragraph A. [2003, c. 592, §5 (AFF); 2003, c. 592, §3 (RPR); 2003, c. 614, §9 (AFF); 2003, c. 655, Pt. C, §§5, 6 (AFF).]

[2003, c. 592, §5 (AFF); 2003, c. 592, §3 (RPR); 2003, c. 614, §9 (AFF); 2003, c. 655, Pt. C, §§5, 6 (AFF).]

2. Penalty. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended; the court also shall impose a fine of not less than \$1,000, none of which may be suspended. [2003, c. 592, §3 (NEW); 2003, c. 592, §5 (AFF); 2003, c. 655, Pt. C, §§5, 6 (AFF).]

B. A person who violates subsection 1 and is in possession of night vision equipment commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended; the court also shall impose a fine of not less than \$2,000, none of which may be suspended. [2003, c. 592, §3 (NEW); 2003, c. 592, §5 (AFF); 2003, c. 655, Pt. C, §§5, 6 (AFF).]

C. A person who violates subsection 1, is in possession of night vision equipment and has been convicted of a Class D crime within the past 10 years under Title 12, Part 13 commits a Class D crime for which the court shall impose a sentencing alternative of not less than 6 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended; the court also shall impose a fine of not less than \$2,000, none of which may be suspended. [2003, c. 592, §3 (NEW); 2003, c. 592, §5 (AFF); 2003, c. 655, Pt. C, §§5, 6 (AFF).]

For purposes of this subsection, "night vision equipment" means a light amplification or thermal imaging device.

[2003, c. 592, §3 (NEW); 2003, c. 592, §5 (AFF); 2003, c. 655, Pt. C, §§5, 6 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 592, §5 (AFF). 2003, c. 592, §3 (RPR). 2003, c. 614, §9 (AFF). 2003, c. 655, §§C5,6 (AFF).

§11207. TWILIGHT HUNTING

(REPEALED)

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B138 (RP).

§11208. UNLAWFUL SHOOTING OR DISCHARGE OF FIREARM, BOW AND ARROW OR CROSSBOW

1. Shooting or discharge of firearm, bow and arrow or crossbow over or near public paved way. A person may not:

A. Shoot at any wild animal or wild bird from any public paved way or within 10 feet of the edge of the pavement of the public paved way or from within the right-of-way of any controlled access highway; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. Discharge any firearm, bow and arrow or crossbow over a public paved way; or [2013, c. 538, §25 (AMD) .]

C. Possess any wild animal or wild bird taken in violation of paragraph A or B, except as otherwise provided in this Part. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

This subsection does not prohibit a person who has a valid permit to carry a concealed weapon from possessing that weapon on or near a public paved way as long as it is not used for shooting at wild animals or wild birds or discharged in violation of this subsection.

[2013, c. 538, §25 (AMD) .]

2. Penalty. A person who violates subsection 1 commits a Class E crime.

[2003, c. 655, Pt. B, §139 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B139 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 477, §7 (AMD). 2013, c. 538, §25 (AMD).

§11209. DISCHARGE OF FIREARM OR CROSSBOW NEAR DWELLING OR BUILDING

1. Prohibition. A person may not:

A. Unless a relevant municipal ordinance provides otherwise and except as provided in sections 12401 and 12402, discharge a firearm, including a muzzle-loading firearm, or crossbow or cause a projectile to pass as a result of that discharge within 100 yards of a building or residential dwelling without the permission of the owner or, in the owner's absence, of an adult occupant of that building or dwelling authorized to act on behalf of the owner; or [2013, c. 538, §26 (AMD) .]

B. Possess a wild animal or wild bird taken in violation of this subsection, except as otherwise provided in this Part. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

This subsection may not be construed to prohibit a person from killing or taking a wild animal in accordance with sections 12401 and 12402.

For purposes of this subsection, "building" means any residential, commercial, retail, educational, religious or farm structure that is designed to be occupied by people or domesticated animals or is being used to shelter machines or harvested crops.

For purposes of this subsection, "projectile" means a bullet, pellet, shot, shell, ball, bolt or other object propelled or launched from a firearm or crossbow.

[2013, c. 538, §26 (AMD) .]

2. Penalty. A person who violates subsection 1 commits a Class E crime.

[2003, c. 655, Pt. B, §140 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 527, §1 (AMD). 2003, c. 527, §2 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B140 (AMD). 2003, c. 655, §B422,C1,6 (AFF). 2005, c. 477, §8 (AMD). 2009, c. 340, §14 (AMD). RR 2013, c. 1, §26 (COR). 2013, c. 215, §1 (AMD). 2013, c. 538, §26 (AMD).

§11210. SHOOTING DOMESTIC ANIMALS

Except as provided in section 12404, subsection 6, paragraph C, a person may not, while on a hunting trip or in the pursuit of wild animals or wild birds, intentionally, knowingly, recklessly or negligently shoot and wound or kill any domestic animal, including, but not limited to, a dog, cat or domestic bird. A person who violates this section commits a Class E crime. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF).

§11211. UNLAWFUL USE OF FIREARM IN SOUTHPORT

1. Prohibited act. A person may not use any firearm other than a shotgun in the Town of Southport or the islands within the confines of the Town of Southport.

[2003, c. 655, Pt. B, §141 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2007, c. 463, §5 (AMD).]

B. A person who violates subsection 1 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §141 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2007, c. 463, §5 (AMD) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B141 (RPR). 2007, c. 463, §5 (AMD).

§11212. MOTOR VEHICLES AND MOTORBOATS

1. Prohibition. The following provisions apply to shooting from a motor vehicle or motorboat or possessing a loaded firearm or a crossbow in a motor vehicle.

A. A person may not shoot while in or on a motor vehicle or motorboat or while in or on a trailer or other type of vehicle being hauled by a motor vehicle except:

(1) A person may hunt migratory waterfowl from a motorboat in accordance with federal regulations;

(2) Paraplegics and single or double amputees of the legs may shoot from motor vehicles that are not in motion; and

(3) A person may shoot from a motorboat if that boat is not being propelled by its motor. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §142 (AMD); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person may not, while in or on a motor vehicle or in or on a trailer or other type of vehicle being hauled by a motor vehicle, have a cocked and armed crossbow or a firearm with a cartridge or shell in the chamber or in an attached magazine, clip or cylinder or a muzzle-loading firearm charged with powder, lead and a primed ignition device or mechanism, except that a person who has a valid Maine permit to carry a concealed weapon may have in or on a motor vehicle or trailer a loaded pistol or revolver covered by that permit. [2005, c. 477, §9 (AMD).]

C. A person may not possess a wild animal or wild bird taken in violation of paragraph A or B, except as otherwise provided in this Part. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2005, c. 477, §9 (AMD) .]

2. Penalty. A person who violates subsection 1 commits a Class E crime.

[2003, c. 655, Pt. B, §143 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §§B142,143 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 477, §9 (AMD).

§11213. SHOOTING AT OR NEAR WILDFOWL DECOYS (REPEALED)

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B144 (RP).

§11213-A. SHOOTING AT OR NEAR DECOYS

1. Shooting at or near migratory waterfowl or wild turkey decoys. A person may not with a firearm, a bow and arrow or a crossbow shoot or shoot at a migratory waterfowl or wild turkey decoy of another person.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §145 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §145 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2005, c. 94, §1 (AMD) .]

2. Shoot within area of another person's decoys. A person may not with a firearm, a bow and arrow or a crossbow shoot within an area encompassed by a set of another person's migratory waterfowl or wild turkey decoys, including the area 50 yards away from the outer perimeter of the set of decoys.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §145 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §145 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2005, c. 94, §1 (AMD) .]

SECTION HISTORY

2003, c. 655, §B145 (NEW). 2003, c. 655, §B422 (AFF). 2005, c. 94, §1 (AMD).

§11214. UNLAWFUL USE OR POSSESSION OF IMPLEMENTS OR AIDS

1. Prohibition. A person may not:

A. Use for hunting or possess for hunting any automatic firearm. This paragraph does not apply to:

(1) Military organizations authorized by law to bear arms or to the National Guard in the performance of its duty; or

(2) Firearms using the .22 caliber rimfire cartridge or to any autoloading pistol having a barrel less than 8 inches in length; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. Use for hunting or possess for hunting any autoloading firearm having a magazine capacity of more than 5 cartridges. All autoloading firearms having a magazine capacity in excess of 5 cartridges must have the magazine permanently altered to contain not more than 5 cartridges before the autoloading firearm may be used in this State for hunting. This paragraph does not apply to:

(1) Military organizations authorized by law to bear arms or to the National Guard in the performance of its duty; or

(2) Firearms using the .22 caliber rimfire cartridge or to any autoloading pistol having a barrel less than 8 inches in length; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

C. Use for hunting or possess for hunting any firearm fitted or contrived with a device for deadening the sound of explosion. This paragraph does not apply to:

(1) Military organizations authorized by law to bear arms or to the National Guard in the performance of its duty; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

D. Use for hunting cartridges containing tracer bullets. This paragraph does not apply to:

(1) Military organizations authorized by law to bear arms or to the National Guard in the performance of its duty; or

(2) Firearms using the .22 caliber rimfire cartridge or to any autoloading pistol having a barrel less than 8 inches in length; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

E. Use for hunting cartridges containing explosive bullets. This paragraph does not apply to:

(1) Military organizations authorized by law to bear arms or to the National Guard in the performance of its duty; or

(2) Firearms using the .22 caliber rimfire cartridge or to any autoloading pistol having a barrel less than 8 inches in length; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

F. Hunt migratory game birds with a shotgun of any description originally capable of holding more than 3 shells, unless the shotgun's magazine has been cut off, altered or plugged with a one-piece filler incapable of removal without disassembling the gun so as to reduce the capacity of the gun to not more than 3 shells in the magazine and chamber combined. This paragraph does not apply to:

(1) Military organizations authorized by law to bear arms or to the National Guard in the performance of its duty; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

G. Hunt a wild animal or wild bird with a set bow or, except as provided in section 10953, hunt a wild animal or wild bird with a crossbow; [2013, c. 538, §27 (AMD).]

H. Use for hunting or possess for hunting an arrow or a bolt having either an explosive or poisonous tip; [2005, c. 477, §10 (AMD).]

I. Allow duck decoys to remain in waters of Merrymeeting Bay at any time during the period from one hour after legal shooting time until one hour before legal shooting time the next day; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

J. Leave or allow to remain in waters of Merrymeeting Bay an artificial cover, that is, a "stationary blind," or parts of an artificial cover used for hunting purposes between one hour after legal shooting time and one hour before legal shooting time the next day; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

K. Use a dog to hunt deer or moose, except as provided in section 11109, subsection 3, paragraph N; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

L. Use an artificial light, snare, trap or set gun to hunt deer or moose. This paragraph does not affect or restrict the legitimate possession and sale of flashlights; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

M. Use artificial lights between 1/2 hour after sunset and 1/2 hour before sunrise the next day to illuminate, jack, locate, attempt to locate or show up wild animals or wild birds from September 1st to December 15th of each calendar year. This paragraph does not affect chapter 921, or any rule issued in accordance with section 10104, subsection 1; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

N. Hunt a wild animal or wild bird by any method other than by the usual method of shooting with a firearm not larger than number 10-gauge or shooting with a hand-held bow and arrow or by falconry; or [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

O. Possess a wild animal or wild bird taken in violation of this section, except as otherwise provided in this Part. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2013, c. 538, §27 (AMD) .]

2. Penalty. A person who violates subsection 1 commits a Class E crime.

[2003, c. 655, Pt. B, §146 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B146 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 419, §6 (AMD). 2005, c. 419, §12 (AFF). 2005, c. 477, §10 (AMD). 2013, c. 538, §27 (AMD).

§11215. USE OF MOTORIZED VEHICLE TO KILL, INJURE OR MOLEST WILD ANIMALS OR WILD BIRDS

1. Prohibition. A person may not intentionally kill, injure or molest a wild animal or wild bird with a:

A. Motor vehicle; [2003, c. 655, Pt. B, §147 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. Motorboat; or [2003, c. 655, Pt. B, §147 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

C. Aircraft. [2003, c. 655, Pt. B, §147 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 655, Pt. B, §147 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Penalty. A person who violates subsection 1 commits a Class E crime.

[2003, c. 655, Pt. B, §147 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B147 (RPR).

§11216. HUNTING WITH AID OF AIRCRAFT

1. Prohibition on use of aircraft to hunt. A person on the ground or airborne may not use an aircraft to aid or assist in hunting:

- A. Bear; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]
- B. Deer; or [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]
- C. Moose. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Penalties. The following penalties apply to this section.

A. A person who violates subsection 1 without the taking of a bear, deer or moose commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §148 (AMD); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 and takes a bear, deer or moose commits a Class E crime for which the court shall impose a fine of not less than \$500, none of which may be suspended. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

C. A person who violates subsection 1 without the taking of a bear, deer or moose after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §149 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §§148, 149 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §§B148,149 (AMD). 2003, c. 655, §B422 (AFF).

§11217. BUYING AND SELLING WILD ANIMALS AND WILD BIRDS

1. Prohibition against buying and selling bear, deer, moose or wild turkey. Except as provided in subsection 2, a person may not:

A. Buy, sell or offer for sale or barter a:

- (1) Bear;
- (2) Deer;
- (3) Moose; or
- (4) Wild turkey; or [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §150 (AMD); 2003, c. 655, Pt. B, §422 (AFF).]

B. Aid in buying, selling or offering for sale or bartering a:

- (1) Bear;
- (2) Deer;
- (3) Moose; or

(4) Wild turkey. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §150 (AMD); 2003, c. 655, Pt. B, §422 (AFF).]

C. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §150 (RP).]

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §150 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Exception. This subsection provides for exceptions to the prohibitions against the purchase, sale, offer for sale or barter of wild animals and wild birds under this section.

A. A person who has lawfully killed or trapped and registered a bear may sell, without a hide dealer's license, only the hide, head, teeth, claws not attached to the paws and gall bladder of that animal. [2013, c. 333, §4 (RPR).]

B. A person who has lawfully killed and registered a deer may sell, without a hide dealer's license, only the hide, head, antlers and feet of that animal. [2013, c. 333, §4 (RPR).]

C. A person may sell the head, hide, feet and antlers of a domesticated deer and the meat of a domesticated deer for use as food only in accordance with Title 7, chapter 202. [2013, c. 333, §4 (RPR).]

D. A person who has lawfully killed and registered a moose may sell, without a hide dealer's license, only the hide, head, bones, antlers and feet of that animal. [2013, c. 333, §4 (RPR).]

E. A person may buy or sell, without a hide dealer's license, naturally shed antlers from deer or moose. [2013, c. 333, §4 (NEW).]

F. A person may buy or sell, without a taxidermy license or a hide dealer's license, legally obtained finished wildlife products, excluding federally protected wild animals and wild birds except in accordance with federal law. [2013, c. 333, §4 (NEW).]

G. A person may buy, without a hide dealer's license, for that person's personal use and not for resale, only the teeth, claws not attached to paws, skull or head and hide of a bear; only the bones, feet and hide of a moose; the skull or head of a deer or moose, excluding antlers; and all other parts of wild animals and wild birds not prohibited from being bought, sold, offered for sale or bartered under subsections 1 and 3. [2013, c. 333, §4 (NEW).]

H. A person who possesses a valid hide dealer's license may lawfully buy, sell, barter and trade for profit the parts of wild animals under paragraphs A, B and D, lawfully obtained raw, untanned animal hides and any parts of wild animals and wild birds not prohibited from being bought, sold, offered for sale or bartered under subsections 1 and 3. [2013, c. 333, §4 (NEW).]

Parts permitted to be bought or sold under this subsection may not be attached to any other parts of the wild animals or wild birds that are prohibited from being bought, sold, offered for sale or bartered under subsections 1 and 3. Bear gall bladders and raw, unfinished deer and moose antlers must be tagged or accompanied with documentation containing the name and address of the person who lawfully killed the animal.

As used in this subsection, "hide dealer's license" means a license issued pursuant to section 12954.

[2013, c. 333, §4 (RPR) .]

3. Prohibition regarding selling of wild birds. A person may not sell or possess for sale a wild bird, except as provided in this Part. A person may sell the plumage of lawfully taken wild birds if that sale does not violate regulations of the federal Migratory Bird Treaty Act.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

4. Penalty. A person who violates this section commits a Class D crime for which the court shall impose a sentencing alternative involving a term of imprisonment of not less than 10 days for the first offense, none of which may be suspended, and not less than 20 days for each succeeding offense, none of which may be suspended. The court also shall impose a fine of not less than \$1,000, none of which may be suspended.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §§B150,151 (AMD). 2003, c. 655, §B422 (AFF). 2013, c. 333, §4 (AMD).

§11218. GAME FEES

A person may not charge any fee for access to land if the fee is contingent upon the taking of game on the land or directly related to the taking of game on the land unless the land is an authorized commercial shooting area licensed under section 12101. This section does not apply to: [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

1. Gate fees. Gate fees or other access fees that are unrelated to the taking of game;

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Guiding fees. Fees charged by licensed guides or other fees that are unrelated to access to land; or

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

3. Fees for placing bear bait. Fees that are directly related to the placing of bear bait on land.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

A person who violates this section commits a Class E crime. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF).

§11219. HUNTING ON STATE GAME FARM

1. Prohibition. A person may not hunt on a state game farm at any time.

[2003, c. 655, Pt. B, §152 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §152 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

B. A person who violates subsection 1 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §152 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 655, Pt. B, §152 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B152 (RPR).

§11220. HUNTING IN LICENSED WILDLIFE EXHIBIT

1. Prohibition. A person may not hunt in a licensed wildlife exhibit at any time.

[2003, c. 655, Pt. B, §152 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §152 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §152 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 655, Pt. B, §152 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B152 (RPR).

§11221. DISPOSAL OF OFFAL; LITTERING

1. Prohibition. A person may not drop, deposit, discard, dump or otherwise dispose of a carcass, waste parts or remains of a wild animal, except waste parts or remains resulting from the normal field dressing of lawfully harvested wild game or the lawful use of waste parts or remains of wild game as bait.

[2003, c. 655, Pt. B, §152 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. Additionally, a person who violates subsection 1 violates the Maine Litter Control Act, Title 17, chapter 80 and is subject to the penalties set forth in that Act. [2003, c. 655, Pt. B, §152 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §152 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 655, Pt. B, §152 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B152 (RPR).

§11222. TARGET IDENTIFICATION WHILE HUNTING

1. Findings. Due to the large numbers of Maine citizens and visitors engaged in hunting in the State's woods during hunting season, the continued decline of unpopulated areas through the State, the widespread use of powerful weapons in the pursuit of wild animals and wild birds and the growing presence of nonhunters engaged in nonhunting activities in the State's woods during hunting season, the Legislature finds that a sufficient risk of serious bodily injury or death to human beings is posed to make it necessary and prudent to provide guidance to those in pursuit of wild animals and wild birds on the matter of proper target identification.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Target identification. While hunting, a hunter may not shoot at a target without, at that point in time, being certain that it is the wild animal or wild bird sought.

A. The target-determining process to be utilized is that which a reasonable and prudent hunter would observe in the same situation. A reasonable and prudent hunter always bears the risk of loss of legitimate prey to avoid the risk of the destruction of human life. A reasonable and prudent hunter neither disregards the risk of causing the death of another human being nor fails to be aware of that risk as a consequence of misidentification. A reasonable and prudent hunter never bases identification upon sound alone or even upon sound in combination with what appears to be an appendage of the wild animal or wild bird sought. A reasonable and prudent hunter, independent of these target-determining factors, bases identification upon obtaining an essentially unobstructed view of the head and torso of the potential target. This visual sighting is the most critical target-determining factor. Visual sighting of the head and torso may present itself intermittently or continuously. If presented intermittently, a reasonable and prudent hunter does not make a target-identification decision until this visual sighting exists at the point in time the hunter takes aim and is making final preparation to shoot. A reasonable and prudent hunter additionally recognizes that these sound and sight target-determining factors are affected by a number of other considerations, including, but not limited to, the distance to the target, surrounding or intervening terrain and cover, lighting and weather conditions, the hunter's own ability to hear and see, the hunter's own experience and the proximity of other persons in the hunter's immediate vicinity.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

3. Penalty.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §153 (RP) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B153 (AMD). 2003, c. 655, §B422 (AFF).

§11223. AID TO INJURED PERSON AND REPORTING HUNTING ACCIDENT

1. Duty. A person who knows or has reason to know that that person has inflicted injury or may have inflicted injury on another person by the use of a firearm, bow and arrow or crossbow shall:

A. Make that person known to the victim; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. Render first aid and assistance as that person is capable of rendering under the circumstances; and [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

C. Give notice of the event by the quickest means to a game warden or, in the event that a game warden can not be contacted, to the law enforcement officer nearest the place where the event occurred. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2005, c. 477, §11 (AMD) .]

2. Prohibition.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §154 (RP) .]

3. Penalty. A person who fails to aid an injured person or report a hunting accident in accordance with this section commits a Class C crime.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B154 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 477, §11 (AMD).

§11224. WASTE OF GAME

1. Prohibition. A person may not waste a wild bird or wild animal that has been wounded or killed by that person while hunting. For purposes of this section, "waste" means to intentionally leave a wounded or killed animal in the field or forest without making a reasonable effort to retrieve and render it for consumption or use. This subsection does not apply to coyote.

[2009, c. 550, §3 (AMD) .]

2. Penalty. A person who violates this section commits a Class E crime.

§11224. Alien big game hunter; guide required

(As enacted by PL 2007, c. 454, §1 is REALLOCATED TO TITLE 12, SECTION 11226)

[2007, c. 168, §5 (NEW) .]

SECTION HISTORY

2007, c. 168, §5 (NEW). 2007, c. 454, §1 (NEW). 2007, c. 695, Pt. A, §16 (RAL). 2009, c. 550, §3 (AMD).

§11225. RETRIEVAL OF WOUNDED OR KILLED BIG GAME AFTER HOURS

Notwithstanding section 11109, subsection 3, paragraph N or section 11206, a person licensed to guide hunters under section 12853 whose client during a guided hunt wounds or kills a bear, deer or moose may track and dispatch that animal outside of legal hunting hours. [2007, c. 168, §6 (NEW) .]

SECTION HISTORY

2007, c. 168, §6 (NEW).

§11226. ALIEN BIG GAME HUNTER; GUIDE REQUIRED

(REALLOCATED FROM TITLE 12, SECTION 11224)

(REPEALED)

SECTION HISTORY

2007, c. 695, Pt. A, §16 (RAL). 2009, c. 390, §1 (RP).

§11226-A. CANADIAN BIG GAME HUNTER; GUIDE REQUIRED

(REPEALED)

SECTION HISTORY

2009, c. 390, §2 (NEW). 2011, c. 561, §1 (RP).

§11227. PLACEMENT OF BAIT FOR HUNTING

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Bait" means an animal or plant or a part of an animal or plant used to attract wild animals for the purpose of hunting. "Bait" does not include:

- (1) A derivative of an animal or plant in a liquid or paste form, including but not limited to urine or commercially prepared lures or scents; or
- (2) Packaging or container materials that fall within the definition of "litter" under Title 17, section 2263, subsection 2. [2009, c. 70, §1 (NEW).]

B. "Bait site" means the place where the bait has been placed and the immediate surrounding area. [2009, c. 70, §1 (NEW).]

[2009, c. 70, §1 (NEW) .]

2. Placement of bait. A person may not place or hunt over bait without the oral or written permission of the landowner or the landowner's agent. The bait site must be plainly labeled with a 2-inch-by-4-inch tag identifying the name and address of the person establishing the bait site. This subsection does not apply to bear baiting, which is governed by section 11301.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 or more than \$500 may be adjudged. [2009, c. 70, §1 (NEW).]

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2009, c. 70, §1 (NEW).]

[2011, c. 432, §1 (AMD) .]

3. Hunting over another's bait. A person may not hunt at a bait site established by another person unless that person has permission from the person that established the bait site.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 or more than \$500 may be adjudged. [2009, c. 70, §1 (NEW).]

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2009, c. 70, §1 (NEW).]

[2009, c. 70, §1 (NEW) .]

4. Bait site cleanup. A person placing bait may not leave the bait or bait label at the bait site and must clean up the bait site immediately after the landowner requests the removal of that bait or, if not requested by the landowner, within 20 days from the last day the bait site was hunted over by the person that established the bait site.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 or more than \$500 may be adjudged. [2009, c. 70, §1 (NEW).]

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2009, c. 70, §1 (NEW).]

[2009, c. 70, §1 (NEW) .]

5. Litter at bait sites. A person establishing a bait site under this section is subject to the littering provisions of Title 17, chapter 80.

[2009, c. 70, §1 (NEW) .]

6. Construction. Nothing in this section authorizes hunting of wild animals that is otherwise prohibited by law or rule.

[2009, c. 70, §1 (NEW) .]

7. Applicability. This section does not apply to:

A. Bear baiting under section 11301; or [2009, c. 70, §1 (NEW).]

B. Placing of bait on the ice of inland waters. [2009, c. 70, §1 (NEW).]

[2009, c. 70, §1 (NEW) .]

SECTION HISTORY

2009, c. 70, §1 (NEW). 2011, c. 432, §1 (AMD).

§11228. HUNTING WITH DOGS

1. Collar required. A person may not hunt with a dog in pursuit of bear, coyote or bobcat unless the dog has a collar that legibly provides the name, telephone number and address of the owner of that dog.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 or more than \$500 may be adjudged. [2011, c. 432, §2 (NEW).]

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2011, c. 432, §2 (NEW).]

[2011, c. 432, §2 (NEW) .]

2. Limit on number of dogs. A person or persons may not use more than 6 dogs at any one time to hunt coyotes or bobcats. A person who violates this subsection commits a Class E crime.

[2011, c. 432, §2 (NEW) .]

3. Night hunting with dogs. A person may not use a dog to hunt coyotes during the period from 30 minutes after sunset to 30 minutes before sunrise. A person who violates this subsection commits a Class E crime.

[2011, c. 432, §2 (NEW) .]

SECTION HISTORY

2011, c. 432, §2 (NEW).

Subchapter 5: BEAR HUNTING HEADING: PL 2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

Article 1: BEAR SEASONS HEADING: PL 2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§11251. OPEN AND CLOSED SEASONS

1. Open season on bear; commissioner's authority. This subsection governs the open and closed seasons on bear.

A. There is an open season on hunting bear from the first Monday preceding September 1st to November 30th annually. The commissioner may, pursuant to section 10104, subsection 1, adopt rules prohibiting the use of bait to hunt black bear during any portion of the open bear hunting season. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §155 (AMD); 2003, c. 655, Pt. B, §422 (AFF).]

B. There is an open season on using a dog or dogs in conjunction with bear hunting from the first Monday preceding September 1st to the day preceding the open firearm season on deer provided in sections 11401 and 11402. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

C. [2013, c. 408, §14 (RP).]

D. [2013, c. 408, §14 (RP).]

[2013, c. 408, §14 (AMD) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B155 (AMD). 2003, c. 655, §B422 (AFF). 2013, c. 408, §14 (AMD).

Article 2: HUNTING METHODS SPECIFIC TO BEAR HEADING: PL 2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§11301. PLACING OF BEAR BAIT

1. Bear baiting. A person may not place bait to entice, hunt or trap black bear, unless:

A. The bait is placed at least 50 yards from a travel way that is accessible by a conventional 2-wheel-drive or 4-wheel-drive vehicle; [2011, c. 691, Pt. A, §9 (RPR).]

B. The stand, blind or bait area is plainly labeled with a 2-inch-by-4-inch tag with the name and address of the baiter; [2011, c. 691, Pt. A, §9 (RPR).]

C. The bait is placed more than 500 yards from a site permitted or licensed for the disposal of solid waste or a campground; [2011, c. 691, Pt. A, §9 (RPR).]

D. The bait is placed more than 500 yards from an occupied dwelling, unless written permission is granted by the owner or lessee; [2011, c. 691, Pt. A, §9 (RPR).]

E. The bait is placed not more than 30 days before the opening day of the season and not after October 31st; [2011, c. 691, Pt. A, §9 (RPR).]

F. The bait areas will be cleaned up by November 10th, as defined by the state litter laws; and [2011, c. 691, Pt. A, §9 (RPR).]

G. The person hunting from a stand or blind of another person has permission of the owner of that stand or blind. [2011, c. 691, Pt. A, §9 (RPR).]

A person may not use bait to hunt or trap black bear without the oral or written permission of the landowner.

[2011, c. 691, Pt. A, §9 (RPR).]

1-A. Prohibition. During the open season on hunting bear, a person may not within 50 yards of a bait site established by another person in accordance with section 11227 without the written permission of the person who established the bait site:

A. Hunt, trap, molest or harass bear or release a dog or dogs for the purpose of hunting bear or training dogs to hunt bear; or [2013, c. 280, §6 (NEW).]

B. Disturb the bait site through the use of chemicals or take other action intended to interfere with the hunting of bear at the bait site by the person who established the bait site. [2013, c. 280, §6 (NEW).]

[2013, c. 280, §6 (NEW).]

2. Penalty. A person who violates this section commits a Class E crime.

[2003, c. 655, Pt. B, §157 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §§B156,157 (AMD). 2003, c. 655, §B422 (AFF). 2011, c. 253, §19 (AMD). 2011, c. 432, §3 (AMD). 2011, c. 691, Pt. A, §9 (AMD). 2013, c. 280, §6 (AMD).

§11302. HUNTING BEAR WITH DOGS

1. Limit on number of dogs. A person may not, while either hunting alone or hunting with other persons, use more than 6 dogs at any one time to hunt bear.

[2009, c. 550, §4 (AMD).]

2. Nonresidents hunting with dogs. A nonresident may not hunt bear with the use of a dog or dogs unless that nonresident employs and hunts in the presence of a resident Maine guide. For purposes of this subsection, "in the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars, citizen band radios or electronic communication systems.

A. The total number of clients with a resident Maine guide may not be more than 5 in order to satisfy the requirements of this subsection. [2009, c. 390, §3 (AMD).]

This subsection does not apply to nonresidents who hold a valid Maine guide license.

[2013, c. 280, §7 (AMD).]

3. Penalty. A person who violates this section commits a Class E crime.

[2003, c. 655, Pt. B, §158 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B158 (AMD). 2003, c. 655, §B422 (AFF). 2009, c. 390, §3 (AMD). 2009, c. 550, §4 (AMD). 2013, c. 280, §7 (AMD).

§11303. HUNTING BEAR NEAR DUMPS

1. Dump demarcation. The commissioner, or the commissioner's agent, shall establish a line of demarcation at least 500 yards from sites permitted or licensed for the disposal of solid waste.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §159 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Prohibition. A person may not within the area described in subsection 1:

A. Hunt bear; [2003, c. 655, Pt. B, §160 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

B. Trap bear; [2003, c. 655, Pt. B, §160 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

C. Molest or harass a bear; or [2003, c. 655, Pt. B, §160 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

D. Release dogs for the purpose of hunting a bear. [2003, c. 655, Pt. B, §160 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

The commissioner, or the commissioner's agent, is exempt from this prohibition for the purpose of live-trapping nuisance bears.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §160 (RPR) .]

3. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 2 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §160 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

B. A person who violates subsection 2 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §160 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §160 (RPR) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §§B159,160 (AMD). 2003, c. 655, §B422 (AFF).

§11304. PERMISSION TO HARVEST ANOTHER PERSON'S BEAR

A person may not, without the permission of the person conducting the hunt, kill or wound a bear that is treed or held at bay by another person's dog or dogs. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

A person who violates this section commits a Class E crime. [2003, c. 655, Pt. B, §161 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B161 (AMD). 2003, c. 655, §B422 (AFF).

**Article 3: POSSESSION OF BEAR HEADING: PL 2003, C.
414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)**

§11351. BEAR BAG LIMIT

1. Hunting or trapping bear; 2-bear limit. A person may not hunt or trap bear after that person has killed or registered one during an open season under section 11251 and one during the open season on trapping bear under section 12260.

[2011, c. 309, §2 (AMD) .]

2. Exceeding bag limit on bears. A person may not possess more than 2 bears in any calendar year, except a person may keep more than one legally obtained bear in that person's home or as otherwise provided in law.

[2011, c. 309, §3 (AMD) .]

3. Penalty. A person who violates subsection 1 or 2 commits a Class D crime for which the court shall impose a sentencing alternative involving a term of imprisonment not to exceed 180 days; the court also shall impose a fine of not less than \$1,000, none of which may be suspended.

[2003, c. 655, Pt. B, §164 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 552, §4 (AMD). 2003, c. 552, §15 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §§B162-164 (AMD). 2003, c. 655, §§B422,C2,6 (AFF). 2011, c. 309, §§2, 3 (AMD).

§11352. BEAR TAGS AND TAGGING BEAR

1. Bear tags. The commissioner shall prescribe the form and content of and produce a bear tag.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §165 (RPR) .]

2. Tagging. Prior to presenting a bear for registration, a person may not possess or leave in the field or forest a bear killed by that person unless the bear has securely attached to it a plainly visible tag that conforms to the requirements established under this section.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §165 (RPR) .]

3. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 2 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §165 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 2 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §165 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §165 (RPR) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B165 (RPR).

§11353. LEAVING HARVESTED BEAR

(REPEALED)

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B166 (RP).

§11354. POSSESSING GIFT BEAR

A person may not possess any part or parts of a bear given to that person unless that gift bear is plainly labeled with the name of the person who registered it and the year the bear was registered by that person. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §167 (RPR).]

1. Person who registered.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §167 (RP) .]

2. Recipient.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §167 (RP) .]

3. Transporter.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §167 (RP) .]

A person who violates this section commits a Class E crime. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §167 (RPR).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B167 (RPR).

Subchapter 6: DEER HUNTING HEADING: PL 2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

Article 1: DEER SEASONS HEADING: PL 2003, C. 414,
PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§11401. OPEN AND CLOSED SEASONS FOR DEER

1. Open and closed seasons. This subsection applies to open and closed seasons for deer.

A. Except as otherwise provided in this subsection and sections 10952, 11152, 11403 and 11404 or by rule adopted by the commissioner pursuant to section 11402, subsection 4, there is an open season for deer in each calendar year in all counties of the State between September 15th and December 20th annually. In a year that the regular season extends beyond November 30th, the regular season must start no later than the 4th Monday preceding Thanksgiving. [2009, c. 134, §1 (AMD).]

B. The commissioner may shorten the open season on deer in any part of the State, as long as:

(1) The demarcation of the areas with the shortened season follows recognizable physical boundaries, such as rivers and railroad rights-of-way; and

(3) The Saturday preceding the first day of open season on deer is an open day for residents of the State only. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §168 (AMD); 2003, c. 655, Pt. B, §422 (AFF).]

C. [2013, c. 408, §15 (RP).]

D. [2013, c. 408, §15 (RP).]

[2013, c. 408, §15 (AMD) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B168 (AMD). 2003, c. 655, §B422 (AFF). 2009, c. 134, §1 (AMD). 2013, c. 408, §15 (AMD).

§11402. SPECIAL REGULATIONS

1. Vinalhaven; open season. There is an open season on deer in the Town of Vinalhaven, and the islands within the confines of the Town of Vinalhaven, to conform with the open season on deer for Knox County.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Southport; open season. There is an open season on deer in the Town of Southport, and the islands within the confines of the Town of Southport, to conform with the open season on deer in Lincoln County.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

3. Closed season. Except as provided by rule pursuant to subsection 4, there is a continual closed season on deer in the following places:

A. Mount Desert Island; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. Cross Island in Washington County; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

C. Scotch Island in Washington County; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

D. The Town of Isle au Haut and the islands within the confines of the Town of Isle au Haut in Knox County; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

E. All of Swans Island in the Town of Swan's Island in Hancock County; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

F. The Town of Islesboro in Waldo County, except that a person may hunt deer in that town with bow and arrow from the first day of the special archery season on deer, established in accordance with section 11403, subsection 2, to the end of the regular firearm season on deer of each calendar year in Waldo County; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

G. The whole of Cranberry Isles in Hancock County, except that a person may hunt deer in the Cranberry Isles with a shotgun or archery equipment in accordance with applicable laws and rules; and [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

H. The whole of Long Island in Long Island Plantation in Hancock County. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

4. Rule. The commissioner by rule may:

A. Open any of the areas closed to deer hunting under subsection 3, as long as the legislative body of each affected town approves the opening. For purposes of this subsection, "affected town" means a town, township or municipality that contains within its borders any area proposed to be opened under this paragraph; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. Create special hunting seasons for the taking of deer in any part of the State to maintain deer populations in balance with available habitat, subject to the provisions of this paragraph.

(1) The demarcation of each area must follow recognizable physical boundaries, such as rivers, roads and railroad rights-of-way.

(3) The commissioner may establish limits on the number of deer taken or possessed by persons during a special season. Limits established by the commissioner under this subparagraph are exceptions to the limits imposed under section 11501.

(4) The commissioner may specify types of weapons to be used during a special season; and [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §169 (AMD); 2003, c. 655, Pt. B, §422 (AFF).]

C. Establish a youth deer hunting day. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §169 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B169 (AMD). 2003, c. 655, §B422 (AFF).

§11403. REGULAR ARCHERY-ONLY DEER HUNTING SEASON

1. License required. Except as provided in section 11108, subsection 1 or otherwise authorized by this Part, a person 16 years of age or older may not hunt deer with a bow and arrow during the special open season on deer as provided under this section unless that person has a valid archery hunting license.

Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Open archery season on deer. The commissioner shall by rule establish a regular archery-only season beginning at least 30 days prior and extending to the beginning of the regular deer hunting season, as described in section 11401, subsection 1, paragraph A, for the purpose of hunting deer with bow and arrow only. During the regular archery-only season on deer, except as provided in section 10952, subsection 2 and section 10953, subsection 1-B, the following restrictions apply.

A. A person may not take a deer during a regular archery-only season unless that person uses a hand-held bow and broadhead arrow with the following specifications.

(1) Bows must have a minimum draw weight of 35 pounds.

(2) Arrowheads, including mechanical broadheads when open, must be at least 7/8 inch in width.

[2007, c. 163, §2 (AMD); 2007, c. 163, §3 (AFF).]

B. A person may not carry firearms of any kind while hunting any species of wildlife with bow and arrow during the regular archery-only season on deer, except that a person who holds a license that allows hunting with firearms may carry a handgun. This paragraph may not be construed to prohibit a person who holds a valid permit to carry a concealed handgun pursuant to Title 25, section 2003 from carrying a handgun. [2011, c. 298, §1 (AMD).]

C. Except as provided in section 11109-A, subsection 3, if a person takes a deer with bow and arrow during the regular archery-only season on deer, that person is precluded from further hunting for deer during that year. [2007, c. 163, §2 (AMD); 2007, c. 163, §3 (AFF).]

D. Except as provided in this subsection, the provisions of this Part concerning deer are applicable to the taking of deer with bow and arrow, including the transportation, registration and possession of deer taken by this method. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

A person who violates this subsection commits a Class E crime.

[2013, c. 538, §28 (AMD) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B170 (AMD). 2003, c. 655, §B422 (AFF). 2007, c. 163, §2 (AMD). 2007, c. 163, §3 (AFF). 2011, c. 61, §4 (AMD). 2011, c. 298, §1 (AMD). 2013, c. 538, §28 (AMD).

§11404. MUZZLE-LOADING-ONLY DEER HUNTING SEASON

1. Muzzle-loading-only open season on deer.

[2005, c. 280, §1 (RP) .]

1-A. Muzzle-loading-only open season on deer. There is a special muzzle-loading open season on deer immediately following the regular deer hunting season established under section 11401, subsection 1, paragraph A for the purpose of hunting deer only with:

A. A muzzleloader as defined in section 10001, subsection 42-A that is 40 caliber or greater and capable of firing only a single charge; [2005, c. 280, §2 (NEW).]

B. A muzzle-loading shotgun as defined in section 10001, subsection 42-B; or [2005, c. 280, §2 (NEW) .]

C. A traditional muzzleloader as defined in section 10001, subsection 62-A that uses projectiles that are 40 caliber or greater or that uses buckshot. [2005, c. 280, §2 (NEW).]

The commissioner may terminate this open season at any time in an area if, in the commissioner's opinion, an immediate emergency action is necessary due to adverse weather conditions or severe hunting pressure. The length of the special muzzle-loading season is as follows.

The commissioner shall establish by rule the length of the special muzzle-loading season. The commissioner may establish seasons of different lengths in different regions of the State. The season may extend for no more than 12 hunting days in any part of the State.

[2005, c. 280, §2 (NEW) .]

2. Applicability of laws. The following provisions apply during the muzzle-loading open season.

A. The commissioner's authority to regulate the harvest of antlerless deer under section 11152 is applicable during the muzzle-loading hunting season. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. Deer tags for the muzzle-loading open season must be issued for use in the same manner as regular deer tags. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

C. Except as provided in this section, the provisions of this Part relating to deer apply to the taking of deer with muzzle-loading firearms. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §4 (AMD). 2003, c. 614, §9 (AFF). 2005, c. 280, §§1,2 (AMD).

Article 2: HUNTING METHODS SPECIFIC TO DEER HEADING: PL 2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§11451. HUNTING DEER WITH UNCONVENTIONAL WEAPON; LICENSE (REPEALED)

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 614, §5 (RP).

§11452. BAITING DEER

1. Prohibitions. A person may not, during an open hunting season on deer:

A. Place salt or any other bait or food in a place to entice deer to that place; or [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. Hunt from an observation stand or blind overlooking salt, grain, fruit, nuts or other foods known to be attractive to deer. This prohibition does not apply to hunting from an observation stand or blind overlooking:

(1) Standing crops;

(2) Foods that are left as a result of normal agricultural operations or as a result of a natural occurrence; or

(3) Bear bait that is placed at a bear hunting stand or blind in accordance with section 11301, subsection 1. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §171 (AMD); 2003, c. 655, Pt. B, §422 (AFF).]

2. Penalty. A person who violates subsection 1 commits a Class E crime.

[2003, c. 655, Pt. B, §171 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B171 (AMD). 2003, c. 655, §B422 (AFF).

§11453. DRIVING DEER

1. Unlawfully driving deer. A person may not participate in a hunt for deer during which an organized or planned effort is made to drive deer. For purposes of this subsection, 4 or more persons working together to move deer constitutes an organized or planned effort to drive deer.

[2013, c. 408, §16 (AMD).]

2. Penalty. A person who violates this section commits a Class E crime.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2013, c. 408, §16 (AMD).

§11454. HUNTING DEER WITH .22 CALIBER RIMFIRE CARTRIDGE

1. Prohibition. A person may not hunt deer with any firearms using a .17 or .22 caliber rimfire cartridge, except that the use of the .22 caliber rimfire magnum cartridge is not prohibited.

[2005, c. 477, §12 (AMD).]

2. Penalties. The following penalties apply to violations of subsection 1.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §172 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §172 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 655, Pt. B, §172 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B172 (RPR). 2005, c. 477, §12 (AMD).

**Article 3: POSSESSION OF DEER HEADING: PL 2003, C.
414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)**

§11501. BAG LIMIT

1. Exceeding bag limit. A person may not possess more than one deer during any open season, except a person may keep more than one legally obtained deer in that person's home at any time or as otherwise provided in law.

[2003, c. 552, §5 (AMD); 2003, c. 552, §15 (AFF); 2003, c. 614, §9 (AFF); 2003, c. 655, Pt. C, §§2, 6 (AFF) .]

2. Hunting deer after having killed one. A person may not hunt deer after that person has killed or registered one during the open season of that calendar year, except as otherwise provided in law or rule.

[2003, c. 552, §5 (AMD); 2003, c. 552, §15 (AFF); 2003, c. 614, §9 (AFF); 2003, c. 655, Pt. C, §§2, 6 (AFF) .]

3. Penalty. A person who violates this section commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended; the court also shall impose a fine of not less than \$1,000, none of which may be suspended.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 552, §5 (AMD). 2003, c. 552, §15 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §§C2,6 (AFF).

§11502. DEER TAGS AND TAGGING

1. Deer tags. The commissioner shall prescribe the form and content of and produce a deer tag.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §173 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Tagging. Prior to presenting a deer for registration, a person may not possess or leave in the field or forest a deer killed by that person unless the deer has securely attached to it a plainly visible tag that conforms to the requirements established under this section.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §173 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

3. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 2 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §173 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

B. A person who violates subsection 2 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §173 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 655, Pt. B, §173 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B173 (AMD). 2003, c. 655, §B422 (AFF).

§11503. GIFT DEER

A person may not possess any part or parts of a deer given to that person unless that gift deer is plainly labeled with the name of the person who registered it and the year the deer was registered by that person. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §174 (RPR).]

1. Registration seal.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §174 (RP) .]

2. Person who registered deer.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §174 (RP) .]

3. Penalty.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §174 (RP) .]

A person who violates this section commits a Class E crime. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §174 (RPR).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B174 (RPR).

Subchapter 7: MOOSE HUNTING HEADING: PL 2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

Article 1: COMMISSIONER'S AUTHORITY TO REGULATE MOOSE HUNTING AND TO SET HUNTING SEASONS AND AREAS HEADING: PL 2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§11551. COMMISSIONER AUTHORITY REGARDING MOOSE

The commissioner may issue applications for moose hunting permits, issue permits and make all rules pertaining to moose hunting permits, including provisions for the permittees who are selected for a permit but unable to use the permit. The commissioner may make all other rules that the commissioner considers necessary for the protection of the moose resource. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §175 (AMD); 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B175 (AMD). 2003, c. 655, §B422 (AFF).

§11552. MOOSE HUNTING AREAS

1. Areas open to moose hunting. The commissioner may designate by rule areas of the State open to moose hunting.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Moose management. To effectively manage the moose herd in the State, the commissioner may by rule establish:

A. The number of moose permits to be issued every year, including a percentage for antlerless moose; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. The length of the moose hunting season; and [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

C. The timing of the moose hunting season. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over wildlife matters by February 1st of each year on proposed actions under this section. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF).

Article 2: HUNTING METHODS SPECIFIC TO MOOSE HEADING:
PL 2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§11601. UNLAWFUL HUNTING OF MOOSE

1. Hunting with permittee. A person may not hunt moose with a permittee unless that person is a subpermittee authorized in accordance with this section.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Presence of permittee. A subpermittee may not hunt moose if that subpermittee is not in the presence of the permittee while hunting moose. A subpermittee is not in the presence of a permittee if contact between the permittee and the subpermittee requires visual or audio enhancement devices, including binoculars or citizen band radios.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

3. One subpermittee. A permittee may not hunt moose with more than one authorized subpermittee.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

4. Unlawful possession. A person may not possess a moose that has been hunted in violation of this section.

[2003, c. 655, Pt. B, §176 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

A person who violates this section commits a Class E crime. [2003, c. 552, §15 (AFF); 2003, c. 552, §6 (RPR); 2003, c. 614, §9 (AFF); 2003, c. 655, Pt. C, §§2, 6 (AFF).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 552, §6 (AMD). 2003, c. 552, §15 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B176 (AMD). 2003, c. 655, §§B422,C2,6 (AFF).

§11602. DRIVING MOOSE

A person may not participate in a hunt for moose during which an organized or planned effort is made to drive moose. A person who violates this section commits a Class E crime. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF).

§11603. UNLAWFUL FIREARMS FOR HUNTING MOOSE

1. Prohibition. A person may not use a .17 or .22 caliber rimfire firearm or a shotgun using shot loads to hunt moose.

[2013, c. 236, §4 (AMD) .]

1-A. Hunting moose with a crossbow; 70 years of age or older.

[2013, c. 236, §5 (RP) .]

2. Penalties. The following penalties apply to violations of subsection 1.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §177 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §177 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 655, Pt. B, §177 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B177 (RPR). 2005, c. 477, §13 (AMD). 2011, c. 61, §5 (AMD). 2013, c. 236, §§4, 5 (AMD).

§11604. UNLAWFUL HUNTING METHODS

(REPEALED)

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B177 (RPR). 2005, c. 117, §1 (RP).

§11605. BAITING MOOSE

1. Prohibitions. A person may not, during open hunting season on moose:

A. Place salt or any other bait or food in a place to entice moose to that place; or [2011, c. 253, §20 (NEW) .]

B. Hunt from an observation stand or blind overlooking salt, grain, fruit, nuts or other foods known to be attractive to moose. This prohibition does not apply to hunting from an observation stand or blind overlooking:

(1) Standing crops;

(2) Foods that are left as a result of normal agricultural operations or as a result of a natural occurrence; or

(3) Bear bait that is placed at a bear hunting stand or blind in accordance with section 11301, subsection 1. [2011, c. 253, §20 (NEW) .]

[2011, c. 253, §20 (NEW) .]

2. Penalty. A person who violates subsection 1 commits a Class E crime.

[2011, c. 253, §20 (NEW) .]

SECTION HISTORY

2011, c. 253, §20 (NEW).

Article 3: POSSESSION OF MOOSE HEADING: PL 2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§11651. UNLAWFUL POSSESSION OF MOOSE

(REPEALED)

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 552, §15 (AFF). 2003, c. 552, §7 (RP). 2003, c. 614, §9 (AFF). 2003, c. 655, §§C2,6 (AFF).

§11651-A. HUNTING MOOSE AFTER HAVING KILLED ONE

A person may not hunt moose after that person has killed or registered one during the open season of that calendar year, except as otherwise provided. [2003, c. 552, §8 (NEW); 2003, c. 552, §15 (AFF); 2003, c. 655, Pt. C, §§2, 6 (AFF) .]

A person who violates this section commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended. The court also shall impose a fine of not less than \$1,000, none of which may be suspended. [2003, c. 552, §8 (NEW); 2003, c. 552, §15 (AFF); 2003, c. 655, Pt. C, §§2, 6 (AFF).]

SECTION HISTORY

2003, c. 552, §8 (NEW). 2003, c. 552, §15 (AFF). 2003, c. 655, §§2,6 (AFF).

§11652. BAG LIMITS

1. One moose per permit holder. A person may not exceed the bag limit of one moose per permit holder. In the case of a permittee and a subpermittee, the permit allows one of them to take one moose. Except as provided in sections 12401 and 12402, a person may not shoot more than one moose in a calendar year. A person may keep more than one legally obtained moose in that person's home at any time.

[2003, c. 655, Pt. B, §178 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Possession. A person may not possess a moose in violation of this section.

[2003, c. 655, Pt. B, §178 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

3. Penalty. A person who violates this section commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended; the court also shall impose a fine of not less than \$1,000, none of which may be suspended.

[2003, c. 655, Pt. B, §178 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B178 (RPR).

§11653. TAGGING MOOSE

1. Tags. The commissioner shall prescribe the form and content of and produce moose tags.

[2003, c. 655, Pt. B, §178 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Tagging. Prior to presenting a moose for registration, a person may not possess or leave in the field or forest a moose killed by that person unless the moose has securely attached to it a plainly visible tag that conforms to the requirements established under this section.

[2003, c. 655, Pt. B, §178 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

3. Penalties. The following penalties apply to violations of subsection 2.

A. A person who violates subsection 2 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §178 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 2 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §178 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 655, Pt. B, §178 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B178 (RPR).

§11654. UNLAWFUL POSSESSION OF GIFT MOOSE

A person may not possess any part or parts of a moose given to that person unless that gift moose is plainly labeled with the name of the person who registered it and the year the moose was registered by that person. [2003, c. 655, Pt. B, §178 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

A person who violates this section commits a Class E crime. [2003, c. 655, Pt. B, §178 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

1. Prohibition.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §178 (RP) .]

2. Penalty.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §178 (RP) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B178 (RPR).

Subchapter 8: WILD TURKEY HUNTING HEADING: PL 2003,
C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

Article 1: COMMISSIONER'S AUTHORITY TO REGULATE THE
HUNTING OF WILD TURKEY; HUNTING LAWS HEADING: PL
2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§11701. AUTHORITY OF COMMISSIONER; WILD TURKEY HUNTING

The commissioner may establish open seasons for hunting wild turkeys, designate areas that are open to the taking of wild turkeys in any part of the State, prescribe the form and regulate the number of permits to be issued, determine the number and sex of the birds to be harvested, establish bag limits, establish permit eligibility requirements, establish legal hunting times, specify the types of weapons to be used during any open wild turkey hunting season and make any other rules that the commissioner considers necessary for the protection of the wild turkey resource. The rules must permit the use of a crossbow during the spring open wild turkey hunting season. [2013, c. 236, §6 (AMD).]

1. Spring season. The commissioner shall establish by rule a spring open season for hunting wild turkeys. Unless the commissioner determines that sound management principles require otherwise, the rule must allow during the spring open season for hunting wild turkeys:

A. A person to take up to 2 wild turkeys without any additional fee for the taking of the 2nd wild turkey; [2013, c. 387, §3 (NEW).]

B. A person to hunt from 30 minutes before sunrise to 30 minutes after sunset. This paragraph is repealed August 1, 2016; and [2013, c. 387, §3 (NEW).]

C. A person to hunt wild turkeys using a crossbow, in addition to any other weapons allowed by the rule. [2013, c. 387, §3 (NEW).]

[2013, c. 387, §3 (NEW).]

2. Fall season. Beginning with the 2014 fall open season, the commissioner shall establish by rule a fall open season for hunting wild turkeys. Unless the commissioner determines that sound management principles require otherwise, the rule must establish a fall open season that includes the month of October and allow a person to take up to 2 wild turkeys regardless of sex without any additional fee for the taking of a 2nd wild turkey.

[2013, c. 387, §3 (NEW).]

3. Youth day. The commissioner shall establish by rule a spring youth hunting day for hunting wild turkeys from 30 minutes before sunrise to 30 minutes after sunset. The day must be the Saturday prior to the opening of the spring open season for hunting wild turkeys under subsection 1.

[2013, c. 387, §3 (NEW).]

A person who violates this section commits a Class E crime for which the court shall impose a fine of not less than \$500, none of which may be suspended. The court also shall impose a fine of \$500 for each turkey unlawfully possessed, none of which may be suspended. [2003, c. 655, Pt. B, §179 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 552, §9 (AMD). 2003, c. 552, §15 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B179 (AMD). 2003, c. 655, §§B422,C2,6 (AFF). 2013, c. 236, §6 (AMD). 2013, c. 387, §3 (AMD).

§11702. WILD TURKEY HUNTING HOURS

(REPEALED)

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 552, §15 (AFF). 2003, c. 552, §10 (RP). 2003, c. 614, §9 (AFF). 2003, c. 655, §§C2,6 (AFF).

Article 2: POSSESSION OF WILD TURKEYS HEADING: PL
2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§11751. UNLAWFUL POSSESSION OF WILD TURKEY

(REPEALED)

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B180 (RP).

§11751-A. UNLAWFUL POSSESSION OF WILD TURKEYS

1. Possession of wild turkeys. A person may not possess a wild turkey taken in violation of any rule adopted by the commissioner under section 11701.

[2003, c. 552, §11 (NEW); 2003, c. 552, §15 (AFF); 2003, c. 655, Pt. C, §§2, 6 (AFF) .]

2. Exceeding bag limit. A person may not possess more than one wild turkey during any open season, except a person may keep more than one legally obtained wild turkey in that person's home at any time or as otherwise provided in law or rule.

[2003, c. 552, §11 (NEW); 2003, c. 552, §15 (AFF); 2003, c. 655, Pt. C, §§2, 6 (AFF) .]

3. Hunting wild turkey after having killed one. A person may not hunt wild turkey after that person has killed or registered one during any open season of that calendar year, except as otherwise provided in law or rule.

[2003, c. 552, §11 (NEW); 2003, c. 552, §15 (AFF); 2003, c. 655, Pt. C, §§2, 6 (AFF) .]

4. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a Class E crime. [2003, c. 552, §11 (NEW); 2003, c. 552, §15 (AFF); 2003, c. 655, Pt. C, §§2, 6 (AFF).]

B. A person who violates subsection 2 or 3 commits a Class E crime for which the court shall impose a fine of not less than \$500, none of which may be suspended. The court also shall impose a fine of \$500 for each wild turkey unlawfully possessed, none of which may be suspended. [2003, c. 552, §11 (NEW); 2003, c. 552, §15 (AFF); 2003, c. 655, Pt. C, §§2, 6 (AFF).]

[2003, c. 552, §11 (NEW); 2003, c. 552, §15 (AFF); 2003, c. 655, Pt. C, §§2, 6 (AFF) .]

SECTION HISTORY

2003, c. 552, §11 (NEW). 2003, c. 552, §15 (AFF). 2003, c. 655, §§C2,6 (AFF).

§11752. TAGGING WILD TURKEY

1. Tags. The commissioner shall prescribe the form and content of and produce wild turkey tags.

[2003, c. 655, Pt. B, §181 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Tagging. Prior to presenting a wild turkey for registration, a person may not possess or leave in the field or forest a wild turkey killed by that person unless the wild turkey has securely attached to it a plainly visible tag that conforms to the requirements established under this section.

[2003, c. 655, Pt. B, §181 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

3. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 2 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §181 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 2 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §181 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 655, Pt. B, §181 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B181 (RPR).

§11753. GIFT WILD TURKEY

A person may not possess any part or parts of a wild turkey given to that person unless that gift wild turkey is labeled with the name of the person who registered it and the year the wild turkey was registered by that person. [2003, c. 655, Pt. B, §182 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

A person who violates this section commits a Class E crime. [2003, c. 655, Pt. B, §182 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

2003, c. 655, §B182 (NEW). 2003, c. 655, §B422 (AFF).

Article 3: HUNTING METHODS SPECIFIC TO WILD TURKEYS HEADING: PL 2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§11801. PROHIBITED HUNTING METHODS

1. Unlawful hunting of wild turkey. A person may not hunt wild turkeys in violation of rules adopted under section 11701.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §183 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Unlawful methods of hunting wild turkey. A person may not:

A. Employ the use of a dog or dogs in any manner while hunting wild turkeys except during the fall wild turkey hunting season; [2009, c. 550, §5 (AMD).]

B. Engage in an organized drive of any manner while hunting wild turkeys; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

C. Use bait; or [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

D. Use a trap or other device intended or designed for the purpose of capturing or ensnaring wild turkeys. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2009, c. 550, §5 (AMD) .]

3. Penalties. A person who violates this section commits a Class E crime.

[2003, c. 552, §12 (AMD); 2003, c. 552, §15 (AFF); 2003, c. 614, §9 (AFF); 2003, c. 655, Pt. C, §§2, 6 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 552, §12 (AMD). 2003, c. 552, §15 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B183 (AMD). 2003, c. 655, §§B422,C2,6 (AFF). 2009, c. 550, §5 (AMD).

Subchapter 9: GAME BIRD HUNTING HEADING: PL 2003,
C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§11851. HUNTING WILD BIRDS

1. Unlawfully hunting wild birds. A person may not hunt a wild bird, other than the English or European house sparrow, the rock dove and the European starling, except as provided in this Part.

[2013, c. 280, §8 (AMD) .]

2. Unlawful possession of wild birds. A person may not possess, alive or dead, a wild bird, other than the English or European house sparrow, the rock dove and the European starling, except as provided in this Part.

[2013, c. 280, §8 (AMD) .]

3. Penalty. A person who violates this section commits a Class E crime.

[2003, c. 655, Pt. B, §184 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B184 (AMD). 2003, c. 655, §B422 (AFF). 2013, c. 280, §8 (AMD).

§11852. REOPENING SEASON (REPEALED)

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2013, c. 280, §9 (AMD). 2013, c. 408, §17 (RP). 2013, c. 588, Pt. A, §15 (RP).

§11853. CLOSED SEASON; HALEY POND

1. Prohibition. A person may not hunt waterfowl on Haley Pond in the Town of Rangeley and Dallas Plantation in the County of Franklin.

[2003, c. 655, Pt. B, §185 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §185 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §185 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 655, Pt. B, §185 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B185 (RPR).

§11854. NEST OR EGGS OF WILD BIRDS

A person may not take, possess or needlessly destroy the nest or eggs of a wild bird, except the English or European house sparrow, the rock dove and the European starling. A person who violates this section commits a Class E crime. [2013, c. 280, §10 (AMD).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2013, c. 280, §10 (AMD).

§11855. UNLAWFUL USE OF MIGRATORY GAME BIRDS

1. Prohibition. Unless specifically permitted by regulations of the federal Migratory Bird Treaty Act, 16 United States Code, Sections 703 to 712, or by rules adopted by the commissioner in conformity with Title 5, Part 18, except section 8052, subsection 3 of that Title, a person may not:

A. Hunt migratory game birds; [2003, c. 655, Pt. B, §185 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. Possess migratory game birds; [2003, c. 655, Pt. B, §185 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

C. Transport migratory game birds; or [2003, c. 655, Pt. B, §185 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

D. Buy or sell migratory game birds. [2003, c. 655, Pt. B, §185 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 655, Pt. B, §185 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Penalty. A person who violates subsection 1 commits a Class E crime.

[2003, c. 655, Pt. B, §185 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B185 (RPR).

§11856. PHEASANTS

The commissioner shall establish by rule a hunting season for male pheasants that disallows the taking of female pheasants in certain areas of the State. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. A person may not take a female pheasant in an area subject to the provisions of this section. A person who violates this section commits a Class E crime. [2003, c. 655, Pt. B, §186 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

2003, c. 655, §B186 (NEW). 2003, c. 655, §B422 (AFF).

§11857. UNLAWFUL POSSESSION OF RUFFED GROUSE

1. Daily bag limit. A person may not take more than the daily bag limit of ruffed grouse during any open season on ruffed grouse as established by the commissioner.

[2013, c. 280, §11 (NEW) .]

2. Possession limit. A person may not possess more than the possession limit of ruffed grouse taken during any open season on ruffed grouse as established by the commissioner.

[2013, c. 280, §11 (NEW) .]

3. Duty to label ruffed grouse.

[2013, c. 538, §29 (RP) .]

4. Penalty. A person who violates this section commits a Class E crime for which a fine of not less than \$100 plus \$25 for each ruffed grouse taken in violation may be adjudged.

[2013, c. 280, §11 (NEW) .]

SECTION HISTORY

2013, c. 280, §11 (NEW). 2013, c. 538, §29 (AMD).

Subchapter 10: RACCOON HUNTING HEADING: PL 2003,
C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§11901. RACCOONS

1. Open season. An open season for hunting raccoons established by the commissioner must be of uniform duration throughout the State.

[2003, c. 592, §4 (NEW); 2003, c. 592, §5 (AFF); 2003, c. 655, Pt. C, §§5, 6 (AFF) .]

2. Night hunting. Notwithstanding the night hunting prohibition in section 11206, raccoons may be hunted at night during an open season established pursuant to this section.

[2003, c. 592, §4 (NEW); 2003, c. 592, §5 (AFF); 2003, c. 655, Pt. C, §§5, 6 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 592, §5 (AFF). 2003, c. 592, §4 (RPR). 2003, c. 614, §9 (AFF). 2003, c. 655, §§C5,6 (AFF).

Subchapter 11: HARE AND RABBIT HUNTING HEADING: PL
2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§11951. HUNTING HARES AND RABBITS WITH DOGS

A person may use a dog to hunt, or may be accompanied by a dog while hunting, wild hares or rabbits during the open firearm season on deer. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §187 (AMD); 2003, c. 655, Pt. B, §422 (AFF).]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B187 (AMD). 2003, c. 655, §B422 (AFF).

§11952. UNLAWFUL HARVEST OF WILD RABBITS OR HARES

1. Prohibition. A person may not:

A. Set or use any snare, trap or other device in the hunting of wild hares or rabbits, except that trappers may take wild hares or rabbits by box traps solely for the purpose of selling them to the commissioner as authorized by this Title; or [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. Hunt wild hares or rabbits in any manner except by the ordinary method of shooting with guns or shooting with a long bow and arrow or by falconry. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Penalty. A person who violates subsection 1 commits a Class E crime.

[2003, c. 655, Pt. B, §188 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B188 (AMD). 2003, c. 655, §B422 (AFF).

§11953. UNLAWFUL POSSESSION OF WILD HARES OR WILD RABBITS

1. Unlawful possession; closed season. A person may not possess a wild hare or rabbit taken during the closed season.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §189 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §189 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 655, Pt. B, §189 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Unlawful possession; prohibited method or device. A person may not possess a wild hare or wild rabbit taken by any method or with any device prohibited by section 11952, subsection 1 or section 12252, subsection 2, paragraph A, B or C.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §189 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §189 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 655, Pt. B, §189 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 655, §B189 (NEW). 2003, c. 655, §B422 (AFF).

Subchapter 12: COYOTE HUNTING HEADING: PL 2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§12001. NIGHT SEASON AND RESTRICTIONS

1. Coyote hunting. Notwithstanding the night hunting prohibitions in section 11206, there is an open season for hunting coyotes at night in all counties of the State from December 16th to August 31st.

Notwithstanding section 11214, subsection 1, paragraph M, the commissioner may appoint agents to hunt for coyotes at night using artificial illumination from September 1st to December 15th. The commissioner shall develop policies to make the affected public and affected law enforcement officers aware of any night hunting operations.

[2011, c. 216, §1 (AMD) .]

2. Night; hunting hours.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §190 (RP) .]

3. Calling devices required. A person may not hunt coyotes at night without possessing an electronic, hand-held or mouth-operated predator calling device.

A person who hunts coyotes in violation of this subsection commits a Class E crime.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §190 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B190 (AMD). 2003, c. 655, §B422 (AFF). 2007, c. 242, §1 (AMD). 2009, c. 46, §1 (AMD). 2009, c. 550, §6 (AMD). 2011, c. 216, §1 (AMD).

Subchapter 13: HUNTING DOG TRAINING AND FIELD TRAINING HEADING: PL 2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§12051. TRAINING

1. Open training season. Unless otherwise provided in this Part, a person may not train dogs on wild birds and wild animals except as follows.

A. A person may train dogs on foxes, snowshoe hare and raccoons from July 1st through the following March 31st, including Sundays. [2013, c. 588, Pt. A, §16 (RPR).]

B. A person may train sporting dogs on wild birds at any time, including Sundays. [2013, c. 588, Pt. A, §16 (RPR).]

C. A resident may train up to 6 dogs at any one time on bear from July 1st to the 4th day preceding the open season on hunting bear, except in those portions of Washington County and Hancock County that are situated south of Route 9. [2013, c. 588, Pt. A, §16 (RPR).]

Except on Sundays, a person may not engage in activities authorized under this subsection unless that person possesses a valid hunting license issued under section 11109. A person may train dogs on pen-raised birds at any time without a license. For the purpose of this subsection, "pen-raised birds" includes, but is not limited to, quail, pheasant, pigeons and Hungarian partridge.

A person who violates this subsection commits a Class E crime.

[2013, c. 588, Pt. A, §16 (RPR) .]

1-A. Open training season 2009-2010.

[2009, c. 76, §1 (NEW); T. 12, §12051, sub-§1-A (RP) .]

2. Rock dove permits.

[2013, c. 280, §12 (RP) .]

3. Possessing firearm while training dogs. A person may not possess a firearm while training a dog outside of the open training season on foxes, snowshoe hare and raccoons as set out in subsection 1.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §191 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §191 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2011, c. 253, §22 (AMD) .]

4. Unlawful use of firearm during training or field trials.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §192 (RP) .]

5. Unlawful use of firearm during training or field trials. Except as otherwise provided in this subsection, a person may not possess during the training or field trials permitted in this section and section 12054 a firearm other than a blank pistol or shotgun loaded with blank ammunition, except during an open season for hunting. The commissioner may issue a permit to a person authorizing the use of firearms during the training of sporting dogs to shoot and kill wild birds propagated or legally acquired by the permittee and possessed in accordance with section 12152.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §193 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §193 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 655, Pt. B, §193 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

6. Effect of revocation. A person may not train dogs under this section if that person has a suspended or revoked license pursuant to section 10902.

[2013, c. 247, §2 (NEW); 2013, c. 286, §2 (NEW) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §§B191-193 (AMD). 2003, c. 655, §B422 (AFF). 2009, c. 76, §1 (AMD). 2009, c. 550, §7 (AMD). 2011, c. 253, §§21, 22 (AMD). 2011, c. 309, §4 (AMD). 2013, c. 247, §§1, 2 (AMD). 2013, c. 280, §12 (AMD). 2013, c. 286, §§1, 2 (AMD). 2013, c. 588, Pt. A, §16 (AMD).

§12052. SPECIAL DOG TRAINING AREA LICENSE

1. License required. Except as otherwise authorized under this Part, a person may not engage in an activity authorized under this section unless that person has a valid license issued under this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Application and issuance. Upon application of a club or organization having 25 or more resident members, the commissioner may issue to the club or organization a license authorizing the following.

A. The licensee may establish and maintain on land owned by the licensee, or over which the licensee has legal control, a special dog training area in which and on which dogs may be trained at any time during the year. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. The licensee may at any time during the year train the licensee's own dogs or the dogs of other persons on that area. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

C. The licensee may hold field trials at any time on that area or permit, in writing, others to hold field trials on that area under such conditions as are mutually agreed on. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

No more than 5 clubs in any one county may be issued a license.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

3. Fee. The fee for a special dog training area license is \$27.

[2005, c. 12, Pt. III, §19 (AMD) .]

4. Restrictions. The following provisions must be observed.

A. Each club licensed under this section may not establish more than 2 special dog training areas, each of which may not be less than 20 acres. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. A club may not control more than a total of 400 acres. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

C. A person shall plainly and conspicuously post the boundary line of a special dog training area with legible notices at least 11 inches square, placed not more than 100 yards apart, that must bear the following warning:

"SPECIAL DOG TRAINING FIELD TRIAL AREA -- HUNTING AND TRAPPING IS UNLAWFUL. This land is set aside under special license for the training of dogs and the holding of field trials. Entering on this land for the purpose of hunting or permitting dogs to enter without proper authorization is prohibited."

The name and address of the licensee must be printed on the notice. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §194 (AMD); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §194 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

5. Use of special dog training area other than by licensee. Unless the area is completely enclosed with rabbit-proof fence, a person not a licensee may train that person's own dogs or the dogs of other persons on a special dog training area under the following conditions.

A. The person shall apply in writing to the licensee and must receive a permit to do so, for which a charge not to exceed \$2 may be made, which amount is retained by the licensee. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

Unless the special dog training area is completely enclosed by rabbit-proof fence, a licensee's failure to make reasonable provision for the use of that special dog training area by persons not licensees is sufficient grounds for the department to deny a renewal of license.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

6. Stocking by commissioner. The commissioner may, from time to time during each year, stock wild animals or wild birds at the special dog training area and shall charge the licensees a reasonable price for them.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

7. Stocking by licensee. This section is not to be construed as authorizing licensees to liberate a wild bird or quadruped coming from outside of the State on a special dog training area.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

8. Violation of license restriction. A person may not violate any restriction of a license or permit issued in accordance with this section.

A. A person who violates a license or permit restriction under this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §195 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates a license or permit restriction under this section after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §195 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

Each day a person violates a license or permit restriction under this section that person commits a separate violation.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §195 (RPR) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §§B194,195 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 12, §III19 (AMD).

§12053. UNLAWFUL USE OF LICENSED DOG TRAINING AREA

1. Unlawful use of licensed dog training area. The following provisions apply to licensed dog training areas.

A. A person may not hunt on a licensed dog training area licensed under section 12052 except that the owner of the land being used as a licensed dog training area may hunt wild animals and wild birds on the training area to the extent permitted by this Part. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. A person may not do any of the following on a dog training area licensed and posted in accordance with section 12052 except as provided in section 12052:

(1) Train a dog;

(2) Hold a field trial;

(3) Enter the area accompanied by a dog; or

(4) Permit a dog of which that person is the owner or trainer to enter the area. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

C. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §196 (RP).]

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §196 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §197 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §197 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 655, Pt. B, §197 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §§B196,197 (AMD). 2003, c. 655, §B422 (AFF).

§12054. FIELD TRIALS; RACCOON AND RABBITS

1. Raccoon dog field trials. A person may hold raccoon dog field trials at any time.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Rabbit hound field trials. A person may not hold field trials for beagles and other rabbit hounds except from September 1st through the following April 10th. A person who violates this subsection commits a Class E crime.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

3. Sporting dog field trials. The licensing and conduct of sporting dog field trials is governed by section 12055.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF) .

§12055. LICENSE TO HOLD FIELD TRIALS; WILD BIRDS

1. License required. A club or organization may not hold field trials as provided under this section unless the club or organization has a valid license issued under this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Application and issuance. Upon application of a club or organization, the commissioner may, at the commissioner's discretion, issue to the club or organization a license authorizing the following.

A. The licensee may hold, at the time and place stated in the license, a field trial for sporting dogs for the purpose of demonstrating the skill of the dogs in retrieving dead or wounded wild birds. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

B. Members of the licensee club or organization may shoot and kill with firearms wild birds propagated or legally acquired by members of the licensee at the field trial held at the time and place specified in the license. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

C. Persons may participate in a field trial pursuant to this section without a hunting license. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

A separate application must be filed for each field trial proposed to be held by a club or organization, as described in this section.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

3. Fee. The fee for a license to hold field trials for sporting dogs is \$27.

[2005, c. 12, Pt. III, §20 (AMD) .]

4. Shooting hours and consent. Members of the licensee club or organization may not shoot and kill birds, unless it is during the daylight hours and only with the consent of the owner of or person having legal control of the land on which the field trial is held.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

5. Violation of restrictions. A person may not violate any restriction of a license or permit issued in accordance with this section.

A. A person who violates a license or permit restriction under this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §198 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates a license or permit restriction under this section after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §198 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

Each day a person violates a license or permit restriction under this section that person commits a separate violation.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §198 (RPR) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B198 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 12, §III20 (AMD).

Subchapter 14: COMMERCIAL SHOOTING AREAS HEADING: PL 2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§12101. LICENSE TO OPERATE COMMERCIAL SHOOTING AREA

1. Issuance.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §199 (RP) .]

1-A. License required. A person may not charge others for the opportunity to hunt mallard ducks, pheasants, quail, Chukar partridge and Hungarian partridge in an area or establish a commercial shooting area for such purposes unless that person has a valid license issued under this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

A. Nothing in this subsection prohibits the operator of a commercial shooting area from authorizing a person to hunt other wild birds or wild animals in the commercial shooting area during the regular open season on those species, in accordance with this Part, as long as the person possesses a valid state hunting license that allows the hunting of those wild birds and wild animals. [2003, c. 655, Pt. B, §199 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 655, Pt. B, §199 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

1-B. Issuance. The commissioner may issue licenses authorizing the establishment and operation of commercial shooting areas to qualified applicants. A commercial shooting area license authorizes the owner of a commercial shooting area to charge others for the opportunity to hunt mallard ducks, pheasants, quail, Chukar partridge and Hungarian partridge in that area. A commercial shooting area license is valid for one year and is renewable annually.

[2003, c. 655, Pt. B, §199 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Eligibility. In order to qualify for a commercial shooting area license:

A. The location of the land must be at least 5 miles from another commercial shooting area, as measured by a straight line between the property lines at their closest points to each other; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. The land must be between 200 acres and 400 acres in area; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

C. The land must be contiguous. Property bisected by a road or highway is considered to be contiguous for purposes of this paragraph; and [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

D. The land must be owned or leased by the licensed operator of the commercial shooting area. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

A person is ineligible to receive a new shooting area license within 6 months of the expiration of the license for another shooting area located within 5 miles unless the holder of the expired license states in writing to the commissioner that that license will be abandoned.

A renewal of a shooting area license may be issued for a commercial shooting area within 5 miles of another commercial shooting area, notwithstanding paragraph A, as long as the renewed license is applied for within 6 months following the expiration of the old license.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §199 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

3. Fees. The fee for a commercial shooting area license is:

A. For the first year of operation, \$502; and [2005, c. 12, Pt. III, §21 (AMD).]

B. For each subsequent year, \$252, payable prior to July 1st of each year. [2005, c. 12, Pt. III, §21 (AMD).]

[2005, c. 12, Pt. III, §21 (AMD) .]

4. Requirements. The following requirements apply to a commercial shooting area.

A. The operator of the commercial shooting area shall maintain and keep open to inspection by representatives of the department a register of:

- (1) The name and address of each person shooting in the area;
- (2) The date or dates when that person hunted in the area; and
- (3) The number and type of birds killed by that person. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. The operator of the commercial shooting area shall provide to each person taking birds in that area a receipted invoice or bill of sale for possession and transportation of those birds. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

C. The operator of the commercial shooting area shall mark the boundary of the shooting area in a manner prescribed by the commissioner and shall post the boundary conspicuously with signs or other markings approved by the commissioner. The signs or markings must be of a color, size and wording prescribed by the commissioner and must be placed not more than 250 feet apart facing the outside of the area. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §199 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

4-A. Penalties. The following penalties apply to violations of subsection 4.

A. A person who violates subsection 4 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §199 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 4 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §199 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 655, Pt. B, §199 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

5. Enforcement. Enforcement of the trespass laws of a commercial shooting area is the responsibility of the owner and is not in any manner to be considered an obligation of the department.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §199 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

6. Exceptions.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §199 (RP) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B199 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 12, §III21 (AMD).

§12102. IMPORTATION PERMIT FOR MALLARD DUCKS, QUAIL, CHUKAR PARTRIDGE AND HUNGARIAN PARTRIDGE

1. Issuance. The commissioner may grant permits to import live mallard ducks, quail, Chukar partridge and Hungarian partridge to operators of commercial shooting areas.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Application. When requesting permission to import these birds, an importer shall:

A. Provide the commissioner with information on the number of the birds to be imported and the name and address of the seller; and [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. Furnish the commissioner with a statement from an approved veterinarian or from the Department of Agriculture or from the conservation department of the state from which the birds are imported certifying that they are from flocks that have been tested for infectious or contagious disease and have not been exposed to that disease during the 6 months prior to importation. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF).

§12103. REMOTE-CONTROL HUNTING

An owner or operator of a commercial shooting area may not use a website or a service or business via any other means that permits a person to hunt or attempt to hunt a wild animal or wild bird that is located in this State through the use of a computer-controlled gun, shooting apparatus or any other remote-control device when the person using the website, service or business is physically removed from the immediate vicinity of the wild animal or wild bird. [2005, c. 81, §3 (NEW).]

A person who violates this section commits a Class E crime. [2005, c. 81, §3 (NEW).]

SECTION HISTORY

2005, c. 81, §3 (NEW).

Subchapter 15: WILDLIFE IMPORTATION AND POSSESSION PERMITS AND REQUIREMENTS HEADING: PL 2003, C. 414, PT. A, §2 (NEW); PT. D, §7 (AFF); C. 614, §9 (AFF)

§12151. KEEPING WILDLIFE IN CAPTIVITY

1. Prohibition. A person may not keep wildlife in captivity except as provided under sections 10105, subsection 10, 12102, 12152, 12155, 12157, 12158 and 12704 and Title 7, section 1809 or except if the wild animal was purchased from a dealer or pet shop licensed under Title 7, section 3933.

[2003, c. 655, Pt. B, §200 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §200 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates subsection 1 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §200 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2003, c. 655, Pt. B, §200 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B200 (RPR).

§12152. PERMIT TO POSSESS WILDLIFE IN CAPTIVITY

1. Permit required.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §201 (RP) .]

2. Affected species. Except as otherwise provided in this Part, this section applies to the possession of any wildlife regulated by the State that is held in captivity and to the importation of wildlife from an area outside the State, including:

A. All species listed under state law as threatened or endangered; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. All species other than those listed in paragraph A not included on a list of unregulated, nonnative species that is maintained by the commissioner to facilitate the issuance of importation permits; and [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

C. Species identified in rules adopted by the commissioner. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

3. Issuance. The commissioner may issue a permit to a person permitting the possession and use of wildlife with the following exceptions.

A. A propagation, rearing and sale permit does not authorize the permittee to possess, propagate or sell deer, bear, moose, wild turkey, hybrid wild turkey or wild turkey-domestic turkey cross nor does it authorize the permittee to possess, propagate or sell any wild animal taken in accordance with section 11601 or 11602. [2005, c. 117, §2 (AMD).]

B. A commercial exhibition permit does not authorize the permittee to import any species of wild turkey, hybrid wild turkey or wild turkey-domestic turkey cross or the eggs of these species. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

C. A general possession permit does not authorize the permittee to possess, propagate or sell deer, bear, moose, wild turkey, hybrid turkey or wild turkey-domestic turkey cross nor does it authorize the permittee to possess, propagate or sell any wild animal taken in accordance with section 11601 or 11602. [2005, c. 117, §2 (AMD).]

D. A rehabilitation permit does not authorize the permittee to possess, propagate or sell any wild animal taken in accordance with section 11601 or 11602. [2005, c. 117, §2 (AMD).]

[2005, c. 117, §2 (AMD) .]

4. Fees. Permit fees are as follows:

A. Propagation, \$27 for 2 calendar years; [2005, c. 12, Pt. III, §22 (AMD).]

B. Commercial exhibition or attracting trade, \$147 every 2 years from July 1st to June 30th; [2005, c. 12, Pt. III, §22 (AMD).]

C. Personal use, professional or vocational husbandry, therapy or aid to disabled persons, \$27 every 2 calendar years; and [2005, c. 12, Pt. III, §22 (AMD).]

D. Rehabilitation, renewable every 2 years, no fee. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2005, c. 12, Pt. III, §22 (AMD) .]

5. Rules. The commissioner may adopt rules necessary for the administration of this section, including provisions to ensure that all wildlife possessed under these permits receives humane treatment and proper husbandry and security, and to safeguard the interests of the wildlife and citizens of the State. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

6. Additional permit requirements. In addition to the provisions adopted under subsection 3, the commissioner may assign permit conditions or requirements designed to mitigate potential impacts or risks that may arise from the possession of specific wildlife species or to ensure the humane treatment or proper husbandry for specific species.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B201 (AMD). 2003, c. 655, §B422 (AFF). 2005, c. 12, §III22 (AMD). 2005, c. 117, §2 (AMD).

§12153. VIOLATION OF RULES REGARDING WILD ANIMALS IN CAPTIVITY

The following penalties apply to the violation of rules regarding wild animals in captivity. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §202 (RPR) .]

1. Civil. A person who violates a rule regarding wild animals in captivity commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

[2003, c. 655, Pt. B, §202 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Criminal. A person who violates a rule regarding wild animals in captivity after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

[2003, c. 655, Pt. B, §202 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B202 (RPR).

§12154. DEPARTMENT BREEDING OR REARING WILD BIRDS

Notwithstanding section 12151 as it applies to section 12152, section 12151 does not apply to migratory game birds, partridge, grouse or pheasant owned by the department. [2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §203 (AMD); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B203 (AMD). 2003, c. 655, §B422 (AFF).

§12155. IMPORTATION PERMIT FOR WILDLIFE

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not:

A. Introduce or import wildlife into the State; or [2003, c. 655, Pt. B, §204 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. Receive or possess wildlife introduced or imported into the State. [2003, c. 655, Pt. B, §204 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

This subsection does not apply to a person who has a valid permit issued under this section.

Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §204 (RPR) .]

2. Issuance. The commissioner may issue a written permit to any person, permitting that person to:

A. Introduce or import wildlife into the State; and [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. Receive or possess wildlife introduced or imported into the State. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

3. Application. Each applicant for a permit to import wildlife into the State shall submit a written application in the form required by the commissioner. The application must be accompanied by a nonrefundable application fee of \$25.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

4. Restrictions. A permit issued pursuant to this section does not authorize the permittee to import any species of live wild turkey, hybrid wild turkey or wild turkey-domestic turkey cross or the eggs of these species.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B204 (AMD). 2003, c. 655, §B422 (AFF).

§12156. RELEASE OF WILD BIRDS AND WILD ANIMALS INTO WILD

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not release into the wild captive, raised or imported wild birds or wild animals unless that person has a valid permit issued under this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Issuance. The commissioner may issue a written permit to any person permitting that person to release into the wild captive raised or imported wild birds and wild animals.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

3. Wild turkey restrictions. Only the commissioner or agents of the commissioner may sell, give away or release into the wild any live wild turkey, hybrid wild turkey, wild turkey-domestic turkey cross or fertile egg of these species.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF).

§12157. PERMIT TO TRANSPORT WILDLIFE FOR BREEDING AND ADVERTISING

1. Permit required. The commissioner may issue a permit to anyone permitting that person to take and transport within the limits of the State wildlife taken in the State for breeding or advertising purposes.

[2003, c. 655, Pt. B, §205 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

2. Prohibition. A person may not take or transport within the limits of the State wildlife taken in the State for breeding or advertising purposes unless that person holds a valid permit issued under this section.

[2003, c. 655, Pt. B, §205 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

3. Penalty. Each day a person violates subsection 2 that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

[2003, c. 655, Pt. B, §205 (NEW); 2003, c. 655, Pt. B, §422 (AFF) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B422 (AFF). 2003, c. 655, §B205 (RPR).

§12158. IMPORTATION PERMIT FOR PHEASANTS

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not import pheasants, alive, dead or dressed, unless that person has a valid permit issued under this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum of \$50 and an amount equal to twice the applicable license fee must be imposed.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

2. Issuance. The commissioner may issue a written permit to any person permitting that person to import pheasants, alive, dead or dressed.

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF) .]

3. Application. Importers shall, when requesting a permit, provide the commissioner with the following:

A. Information as to the number of pheasants to be imported; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

B. The name and address of the seller; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

C. Information whether or not the birds are live or dressed; and [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

D. A statement from an approved veterinarian, from the Department of Agriculture, Conservation and Forestry or from the conservation department of the state from which the pheasants are imported certifying that they are from flocks that have been tested for pullorum and typhoid, show no evidence of tuberculosis or other infectious or contagious disease and have not been exposed to such disease during the 6 months prior to importation. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF); 2011, c. 657, Pt. W, §5 (REV).]

[2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF); 2011, c. 657, Pt. W, §5 (REV) .]

4. Requirements; leg band required. The following are leg band requirements for ringneck pheasants.

A. Upon receipt of shipment, importers of ringneck pheasants shall attach securely to each bird a permanent leg band. [2003, c. 655, Pt. B, §206 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person may not remove a leg band attached to a bird under this subsection until the bird is finally prepared for consumption. [2003, c. 655, Pt. B, §206 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

Each day a person violates this subsection that person commits a Class E crime.

[2003, c. 614, §9 (AFF); 2003, c. 655, Pt. B, §422 (AFF); 2003, c. 655, Pt. B, §206 (RPR) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §B206 (AMD). 2003, c. 655, §B422 (AFF). 2011, c. 657, Pt. W, §5 (REV).

§12159. TAKING REPTILES AND AMPHIBIANS FROM THE WILD

1. Prohibition; penalties. Except as provided in this section, a person may not take and possess reptiles or amphibians from the wild for export, sale or commercial purposes.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2003, c. 655, Pt. B, §207 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2003, c. 655, Pt. B, §207 (NEW); 2003, c. 655, Pt. B, §422 (AFF).]

[2011, c. 253, §23 (AMD) .]

2. Commercial amphibian permit. Persons harvesting amphibians for purposes of sale are required to obtain a permit from the commissioner.

[2011, c. 253, §23 (AMD) .]

3. Rules. The commissioner shall adopt rules pertaining to harvest methods, confinement and disposal of amphibians. The commissioner may by rule:

A. Require reporting of harvest activities; [2011, c. 253, §23 (AMD).]

B. Establish a season, including daily and season possession limits; [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

C. Establish requirements for humane harvest, confinement and disposal methods; and [2011, c. 253, §23 (AMD).]

D. Establish a fee schedule to implement a permit system under this section. [2003, c. 414, Pt. A, §2 (NEW); 2003, c. 614, §9 (AFF).]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2011, c. 253, §23 (AMD) .]

SECTION HISTORY

2003, c. 414, §A2 (NEW). 2003, c. 414, §D7 (AFF). 2003, c. 614, §9 (AFF). 2003, c. 655, §§B207,208 (AMD). 2003, c. 655, §B422 (AFF). 2011, c. 253, §23 (AMD).

§12160. DISPOSITION OF WOLF HYBRIDS

1. Determination of species. The department shall respond to requests under Title 7, section 3911-B, subsection 3 for assistance in capturing and disposing of an animal suspected of being a wolf hybrid. The department may presume that the animal is a wolf hybrid if:

A. Licensure as a dog under Title 7, section 3922 cannot be confirmed; [2011, c. 100, §16 (NEW).]

B. The animal bears no identification indicating ownership; and [2011, c. 100, §16 (NEW).]

C. The animal has distinct wolflike characteristics. [2011, c. 100, §16 (NEW).]

The department may pursue genetic testing to determine if the animal is a wolf or wolf hybrid.

[2011, c. 100, §16 (NEW) .]

2. Rulemaking. The department shall adopt rules establishing procedures for disposing of animals determined to be wolf hybrids under subsection 1. For the purposes of this section, "disposing" includes, but is not limited to, transferring the animal to a person holding a permit under section 12152 or euthanasia in accordance with Title 17, chapter 42, subchapter 4. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2011, c. 100, §16 (NEW) .]

SECTION HISTORY

2011, c. 100, §16 (NEW).

§12161. TAKING OF CERTAIN NONMARINE INVERTEBRATES FROM THE WILD FOR COMMERCIAL PURPOSES

1. Prohibition; penalties. Except as provided in this section, a person may not take and possess certain nonmarine invertebrates, specifically freshwater mussels, butterflies, moths, dragonflies or beetles, from the wild for export, sale or commercial purposes.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged. [2011, c. 253, §24 (NEW).]

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime. [2011, c. 253, §24 (NEW) .]

[2011, c. 253, §24 (NEW) .]

2. Commercial nonmarine invertebrate permit. Persons harvesting freshwater mussels, butterflies, moths, dragonflies or beetles for export, sale or commercial purposes are required to obtain a permit from the commissioner.

[2011, c. 253, §24 (NEW) .]

3. Rules. The commissioner may by rule:

A. Require reporting of commercial harvest activities, including at a minimum dates, locations and numbers collected by species; [2011, c. 253, §24 (NEW) .]

B. Establish daily and season possession limits; [2011, c. 253, §24 (NEW) .]

C. Establish a fee schedule to implement a permit system under this section; and [2011, c. 253, §24 (NEW) .]

D. Require humane harvest, confinement and disposal methods. [2011, c. 253, §24 (NEW) .]

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2011, c. 253, §24 (NEW) .]

SECTION HISTORY

2011, c. 253, §24 (NEW) .

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 126th Maine Legislature and is current through August 1, 2014. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.